

**Agents and Institutions: Donald
Dewar and the Politics of Devolution**

by

Andrew Paul McFadyen

**Submitted to the University of Edinburgh
for the degree of**

Doctor of Philosophy

College of Humanities & Social Science

June 2011

Declaration

I declare that the following is my own work. No part of this thesis has been submitted for any other degree or qualification:

(Andrew Paul McFadyen)

Preface

This research is about Donald Dewar and the achievement of Scottish home rule. The perspective I bring to it is informed by my experience as a journalist and, later, as a press adviser to the Scottish Parliamentary Labour Group. I have worked as a TV news producer for Scottish Television, the BBC and ITN. As a relatively junior researcher I was one of 400 journalists from many different nations accredited to cover the 1997 referendum result from Edinburgh's International Conference Centre. Two years later I worked on BBC Scotland's live coverage of the official opening of the Scottish Parliament. I can remember my own excitement on both occasions and the sense that I had a ringside seat as history was made. This thesis is mainly motivated by a desire to understand those events and how they came about. It has also satisfied a more personal desire. As a journalist I operate in a fast-moving environment where the stories I cover change on a daily basis. This research project has given me the opportunity to dig much more deeply into a major political development than is ever possible in broadcast news.

My professional life as a journalist and, later, as an employee of the Labour Party in the Scottish Parliament has given me a privileged view of Scottish politics. Over the course of this research I have developed close working relationships with many MSPs and their staff. I believe that this experience gives me greater insight into the social world and the political processes that the thesis seeks to understand, but I am also conscious that qualitative research cannot be entirely without bias because the process of interpretation necessarily involves value judgments. I therefore take this opportunity to describe my own political position so that any bias may at least be

open. I am convinced of the arguments in favour of Scottish self-government and voted in favour of a Scottish Parliament with tax-raising powers in the 1997 referendum. The judgments I make in this thesis are no doubt influenced by my own analysis of events. I hope that people will judge that I have acted in good faith and not overtly allowed my own personal views to sway the conduct of the study.

I am deeply indebted to my tutors Dr Fiona Mackay and Dr Richard Freeman who have helped me appreciate the difference between writing as a journalist and as an academic. Throughout this project they have been a valuable source of advice, guidance and encouragement. I also want to thank Dr Nicola McEwen for her support during the earlier stages of the thesis. BBC Scotland were my employers when I began this research. I am grateful to them for contributing towards my tuition fees and allowing me to quote from interviews I conducted for a Radio Scotland documentary on Donald Dewar. I specifically wish to thank Brian Taylor for letting me trawl through his personal collection of press releases and documents relating to Scottish politics. The officers of the Parliamentary Labour Party also made me feel very welcome during my regular research visits to their rooms in the House of Commons. But my greatest debt is to my family. I would like to thank my parents for their support and, particularly, my dad for proof reading the document. This thesis is dedicated to my wife Hannah and my children Annie, Thomas and Niamh. The many hours of writing and research have been part of their childhood and I am very grateful to them for putting up with both it and me.

Abstract

The creation of the Scottish Parliament was a major change in UK politics and the empirical research presented in this thesis makes a significant contribution to knowledge by revealing new evidence about some of the key political processes that led-up to the new constitutional settlement. This thesis also addresses a gap in the academic literature and offers a different approach by marshalling the evidence in respect of a single individual actor: Donald Dewar. Whilst the existing literature largely explains the success of the home rule movement by focusing on structural changes in Scottish society - such as the politicisation of Scottish national identity – this thesis focuses on the role of agents and institutions in four critical junctures in the devolution debate. These are the process of writing and promoting the Labour Party's 1984 Green Paper on Devolution, the Labour Party's decision to participate in the Scottish Constitutional Convention, the decision to hold a pre-legislative referendum and the publication of the 1997 White Paper, *Scotland's Parliament*.

The research is informed by a historical institutionalist rationale and builds on existing insights in the new institutionalist literature. One of the themes of this research is that while changing circumstances and external crises can create pressure for change, the way in which actors interact within institutions often defines the path that is taken. Institutions are the arenas in which actors engage with new ideas and set policy goals; they are the level at which individuals confront structural constraints and

scenes of ongoing political skirmishing. This thesis therefore puts a central focus on understanding the inner life of the institutions in which policy on devolution was made. Understanding new innovations and departures requires the researcher to build a rich and detailed pictures of the circumstances in which actors form preferences and build coalitions. The dissertation addresses this challenge by adopting a multi-method approach that is both qualitative and historical - including process tracing, documentary analysis and semi-structured individual interviews with elite actors.

The four 'nested' case studies presented in this thesis provide a detailed narrative that connects the different stages of the devolution debate and enable us to identify causal factors that played out over a long stretch of time. One remarkable feature of the historical sequence from Margaret Thatcher's election as Prime Minister in 1979 to the creation of the Scottish Parliament in 1999 is Donald Dewar's prominence from an early stage to its completion. This is one of those rare occasions when the decisions taken by an actor at particular points in the political process actually helped to create the structural and institutional constraints that guided his own future actions. One important new source of evidence that I have used to gain an insight into the Labour Party's internal debate is the record of the monthly meetings of the Parliamentary Labour Party: Scottish Group and the weekly meetings of the Executive Committee of the Parliamentary Labour Party: Scottish Group, from 1983 to 1997. The thesis adds to the historical record and challenges the current academic consensus about some of the key developments in the campaign for a Scottish Parliament. It also intended to make a contribution to the wider theoretical debate on the way in which agents interact within institutions and how this contributes to political change.

TABLE OF CONTENTS

CHAPTER ONE: DONALD DEWAR AND THE POLITICS OF DEVOLUTION	1
i. Introduction	1
ii. Review of the Devolution Debate	5
Good Government	7
National Identity	14
Civil Society	18
Why Conventional Explanations Fall Short	22
iii. Donald Dewar: The Father of the Scottish Parliament?	25
iv. Structure of Text	34
CHAPTER TWO: RESEARCH STRATEGY AND DESIGN	41
i. Introduction	41
ii. Approaches to Agency	42
iii. Historical Institutionalism	44
Path Dependence	48
Critical Junctures	51
‘Constitutional Moments’ in the Devolution Debate	53
iv. Research Strategy & Method	57
Case Studies	58
Tracing the Process	61
v. Research Sources	64
Documents	65
Interviews	76
vi. Conclusion	79
CHAPTER THREE: THE LABOUR PARTY’S GREEN PAPER ON DEVOLUTION	82
i. Introduction	82

ii.	The Significance of the Green Paper	84
iii.	Scottish Labour and Nationalism	87
iv.	The Devolution Years	91
	Dalintober Street	94
	Legislating for Devolution in the 1970s.....	97
v.	Thatcherism in Scotland	101
vi.	The Green Paper: Tracing the Process	105
	Labour's Strategic Debate	106
	Producing the Green Paper	111
	The Shifting Dynamics of Labour Party Politics	117
vii.	Conclusion	120

CHAPTER FOUR: THE LABOUR PARTY AND THE SCOTTISH CONSTITUTIONAL CONVENTION

123

i.	Introduction	123
ii.	The Significance of the Scottish Constitutional Convention	125
iii.	The Campaign for a Scottish Assembly	130
iv.	Competing Explanations for the Labour Party's Participation in the Scottish Constitutional Convention	139
	Gubbed in Govan	140
	Scottish Labour Action and the Poll Tax	147
	Donald Dewar as a Policy Entrepreneur	151
v.	Conclusion	158

CHAPTER FIVE: LABOUR'S REFERENDUM PLAN

163

i.	Introduction	163
ii.	The Significance of the Referendum	166
iii.	Background: Referenda	171
iv.	New Labour: The Resurgence of the Centre	175
v.	Labour's Referendum Plan: Tracing the Process	179
	Reaction to the announcement of a Referendum	188

vi.	Conclusion	193
-----	-------------------------	-----

CHAPTER SIX: LEGISLATING FOR A SCOTTISH PARLIAMENT 197

i.	Introduction	197
ii.	The Significance of the White Paper	200
iii.	Background: Devolving Power	205
iv.	Political Context: Driving Policy from Edinburgh	209
v.	The White Paper: Tracing the Process	213
	The Cabinet Sub-Committee on Devolution, Scotland, Wales and the Regions	215
	Political Resources available to the Secretary of State	221
	Key Policy Debates	224
	Scotland Decides	228
vi.	Conclusion	233

CHAPTER SEVEN: ACTORS AND INSTITUTIONS IN THE POLITICS OF DEVOLUTION 237

i.	Introduction	237
ii.	Empirical Contribution	239
	The Labour Party's Green Paper on Devolution	241
	The Labour Party's Participation in the Scottish Constitutional Convention	243
	The Decision to Hold a Referendum	246
	The White Paper, ' <i>Scotland's Parliament</i> '	249
iii.	Theoretical Contribution	252
	Ideas	254
	Credibility	258
	Resources	261
iv.	Towards a Model of Actor-led Institutionalism	265

APPENDIX A: INTERVIEW SCHEDULE 270

APPENDIX B: MEMBERSHIP OF THE CABINET SUB-COMMITTEE FOR DEVOLUTION, SCOTLAND, WALES & THE REGIONS 272

APPENDIX C: THE FREEDOM OF INFORMATION ACT	273
---	------------

BIBLIOGRAPHY	281
---------------------------	------------

1

DONALD DEWAR AND THE POLITICS OF DEVOLUTION

I. Introduction

This PhD thesis is about the ways in which agents and institutions contribute to political change. The creation of the Scottish Parliament was a hugely significant development in Scottish and UK politics. With the exceptions of the Good Friday Agreement, which brought an end to the Troubles in Northern Ireland, and the Iraq War it is arguably the most significant legacy of Tony Blair's premiership. Since devolution, successive Scottish Governments have taken markedly different decisions in whole areas of public policy - abolishing student tuition fees, phasing out prescription charges in the NHS and banning smoking in public places ahead of the rest of the UK. With a majority SNP administration now in power at Holyrood and a Conservative-led coalition at Westminster it is likely that the divergence in Scotland's political culture from the rest of the UK will continue. The Prime Minister David Cameron is also committed to implementing the recommendations of the Calman Commission, which will further strengthen the powers and financial accountability of the Scottish Parliament. This research project addresses two overlapping themes: the growing strength and eventual success of the home rule movement in the 1980s and 1990s and the specific character of the new constitutional settlement.

There is a sharp contrast between the way in which the media interprets the success of the campaign for a Scottish Parliament and the academic literature. Donald Dewar led the ‘Yes, Yes’ campaign in the referendum and was subsequently elected as Scotland’s first First Minister. The newspapers reported this as a personal triumph and journalists began to describe him as the ‘father of the nation’.¹ Alan Massie commented in the *New Statesman* that he was “The nearest thing to a Scottish Mandela we are ever likely to see”.² In a Radio Scotland interview Edi Stark even asked him if his name would be heard alongside historic figures like William Wallace and Robert the Bruce. Dewar responded, “I think that is a bizarre suggestion”.³ The question obviously embarrassed him, but no other politician was more closely associated with the achievement of a Scottish Parliament. In contrast, the academic literature on the achievement of devolution neglects the contribution of individual actors in favour of structural explanations for change, such as the divergence between the Scottish and English electorates and the politicisation of Scottish national identity. This research explores the mismatch between these different accounts.

There is a well-evidenced and plausible case in the literature that the Conservative Government’s determination to push through policies that were often controversial with only minority support in Scotland increased pressure for change. However, this thesis will demonstrate that the creation of a new institutional order was also shaped by the way in which different actors and interest groups interacted with institutions, such as the Labour Party and the Scottish Constitutional Convention. The thesis is organised around four ‘nested’ case studies, focusing on key events in the evolution of

¹ The special tribute programme broadcast by the BBC to mark Dewar’s death on 11 October 2000 was called *Donald Dewar: Father of a Nation*

² Alan Massie “Profile of Donald Dewar”, *The New Statesman* 24 July 1998

³ *Stark Talk*, BBC Radio Scotland, 11 January 2000

policy towards a Scottish Parliament. These are the process of writing and promoting the Labour Party's 1984 Green Paper on Devolution, the Labour Party's decision to participate in the Scottish Constitutional Convention, the decision to hold a pre-legislative referendum and the publication of the 1997 White Paper, *Scotland's Parliament*. Taken together they provide a detailed narrative that connects the different stages of the devolution debate and enables us to identify factors that are not evident in a single 'snapshot' because they played out over a long stretch of time (Pierson & Skocpol 2007: 7; Hall 2003: 397).

The research is informed by a historical institutionalist rationale, which stresses the ways in which institutions are the scenes of ongoing skirmishing between actors and interest groups who have unequal resources (Streeck & Thelen 2005: 19). The rules, norms and conventions carried by institutions reinforce patterns of power, increasing the authority of some actors and weakening the position of others. It follows that one of the central aims of this research is to understand the inner life of the institutions in which policy towards a Scottish Parliament was discussed and developed. How did the jostling between contending forces and alliances within the Labour Party shape the political debate? During the 1980s, the push within Scottish Labour for greater autonomy coincided with a determined effort by the UK leadership to assert authority over the party's organisational and policy-making machinery (Laffin & Shaw 2007: 63; Shaw 2004: 10). The ways in which these different lines of causation intersected, and the strategies that Donald Dewar pursued to navigate between different interest groups, are an important focus for the research.

The empirical work of this thesis will make a contribution to knowledge by presenting new evidence that adds to the historical record. Most notably, I was given access to the minutes of the monthly meetings of the Parliamentary Labour Party: Scottish Group and the weekly meetings of the Executive Committee of the Parliamentary Labour Party: Scottish Group, from 1983 to 1997. They provided a valuable insight into the internal debate between MPs. I also conducted 29 semi-structured elite interviews with politicians and their staff in the course of this research and examined a variety of sources including official records, newspapers and published accounts. The detailed account of the devolution debate that I will present in the following chapters challenges current academic assumptions about important events, such as the Labour Party's decision to join the Scottish Constitutional Convention. The thesis has also taken a distinctive theoretical approach by marshalling the evidence in respect of a single individual actor. Donald Dewar provides a unifying focus for the study.

This chapter begins with a review of the existing literature on the politics of devolution during the 1980s and 1990s. It is organised around the distinctive themes of good government, national identity and civil society. I will show that although these accounts offer credible explanations for change the absence of agency means that they miss an important part of the story. Towards the end of this chapter I will provide a brief overview of Donald Dewar's political career. In many ways he was an odd candidate for political stardom. He had a dry self-deprecating style and the appearance of a crumpled schoolteacher, which contrasted sharply with the sharp suited image of New Labour. The chapter concludes with a description of the structure of the text that follows. I will set out how the insights gained from each of the case studies presented in the middle chapters will contribute to a historically based

model of actor-led institutionalism, which stresses the role of ideas, credibility and resources in the realisation of agency.

II. Review of the Devolution Debate

Scottish devolution was the most significant element of New Labour's broader programme of constitutional change. In a lecture organised by the Constitution Unit at the University of Central London, the Lord Chancellor Lord Irvine of Lairg, claimed that, "No other government this century has embarked upon so significant or wide-ranging a programme of constitutional change as the Labour Government."⁴ The Labour Party was also committed to introducing House of Lords reform, new settlements for Wales and Northern Ireland and a Freedom of Information Act (Keating 1998: 217). As Irvine pointed out, their plans for Scotland built on the work of the Scottish Constitutional Convention and on the wishes of the people. When they were tested in the referendum 73.4% of electors voted yes to a Scottish Parliament and 63.5% voted yes to tax-raising powers. *The Herald* reported that, "As the results flowed in, the enormity of the Yes majorities in area after area suggested that the Scots had made up their minds long ago that the old order was to be swept away."⁵

The first session of the new Scottish Parliament two years later was a historic and memorable occasion. As the oldest elected member, the SNP's Winnie Ewing presided over the first session. Once the new MSPs had been sworn in she said, "I want to start with the words that I have always wanted either to say or to hear

⁴ Lord Irvine of Lairg, 1998, "Government's Programme of Constitutional Reform", (London: Constitution Unit)

⁵ *The Herald*, 12 September 1997

someone else say – the Scottish Parliament, which adjourned on March 25, 1707, is hereby reconvened.”⁶ There was a fitting symmetry to this because the modern phase of the debate about home rule had begun with her victory in the 1967 Hamilton by-election. The emergence of Scottish Nationalism as a significant electoral force put devolution onto the British government agenda (Mitchell 1996: 172-176). Ewing went on to pay tribute to others such as Robert MacIntyre, Emrys Hughes and John P. Mackintosh who had campaigned over the years for a Scottish Parliament.

While acknowledging the legacy of these earlier campaigns, this literature review is primarily intended to set the context for the research presented in this thesis. The focus of the discussion, then, is on the growing strength and eventual success of the home rule movement in the 1980s and 1990s. In seeking to understand the political processes that led up to the establishment of the Scottish Parliament, much of the existing literature focuses on structural explanations for change. The distinctive themes of the current academic debate are good government, national identity and civil society. This chapter will analyse the significance of each of these factors in turn:

- *Good Government*: This theme has three distinct strands – democratic accountability, better policies and UK constitutional renewal – but the most important to the success of the home rule movement was that people believed a Scottish Parliament would deliver better social policies and protect Scotland from the Conservatives.

⁶ Scottish Parliament Official Report, 12 May 1999, Column 5, Vol. 1, No. 1

- *National Identity*: Between six and nine times more people living in Scotland gave priority to being Scottish rather than British at the time of the devolution referendum (Brown et al 1998: 208). Scottish national identity is not inherently opposed to the Union, but its politicisation was an important structural underpinning to the success of the home rule movement
- *Civil Society*: The engagement of civil society legitimised and gathered support for the home rule project. The aspiration of ‘new politics’ that permeated the cross-party campaign fed into the design of the new Parliament through the Scottish Constitutional Convention.

Towards the end of this section, I will highlight the limitations of these largely structural analyses and the neglect of agency factors. The discussion will underline the way in which this dissertation makes an original contribution to knowledge in offering an agency-centred approach, and drawing attention to the mediating role of institutions, which is neglected in the existing literature on Scottish devolution.

Good Government

This section will consider three distinct arguments in relation to good government and the establishment of the Scottish Parliament: devolution would make government more accountable, devolution would lead to better policies and devolution would be better for the UK as a whole. Each of these factors was significant, but the most important for the growing strength of the home rule movement was the belief that a Scottish Parliament would improve welfare and social policy. Brown et al argue that

public expectation of better policy outcomes was the main reason for the success of the 'Yes, Yes' campaign in the 1997 devolution referendum (Brown et al 1998: 163). Thus the theme of good government is identified within the literature as absolutely central to the achievement of a Scottish Parliament.

Accountability

The goal of better Scottish democracy has always been part of the debate about home rule. Scotland was the only country in Europe to possess a separate legal system, and separate arrangements for handling executive business, but no separate legislature to which ministers could be held responsible (Bogdanor 1999: 117). One practical concern was that the House of Commons had insufficient time for effective scrutiny of Scottish government. As Himsworth & Munro remind us, "Scottish ministers appearance on the rota for question time once every three weeks was hardly commensurate with the scale of Scottish Office activities" (Himsworth & Munro 1998: 10). Scottish legislation could be squeezed out by competing demands on the parliamentary timetable. The Labour MP John P. Mackintosh also cited the inability of Westminster to implement sensible proposals from organisations like the Law Commission as part of the case for devolution (Mackintosh 1975: 85).

These problems mattered less when the party system transcended the border, but the issue of democratic accountability became more potent during the Thatcher years because of the Conservative Party's minority status in Scotland. The Scottish Constitutional Convention's final report *Scotland's Parliament, Scotland's Right*

highlighted the frustration caused by the inability of Scottish voters to hold the Government to account:

“Scotland approaches a new millennium facing a stark choice. It has a distinguished and distinctive structural heritage, evident in Scotland's legal system, its educational system, its social, cultural and religious traditions. These things are the very fabric of Scottish society, yet Scotland has come to lack democratic control over them.”⁷

Harvie and Jones noted that, “as long as the parties for which Scots voted had a reasonable chance of winning power at Westminster, the system would work” (Harvie & Jones 2000: 149). The Labour Party won a majority of seats in Scotland in each of the four general elections from 1979 to 1992, but was unable to form a government because the Conservatives were more popular in England. The phrase ‘democratic deficit’ was first used to describe the lack of accountability in Brussels, but during the 1980s and 1990s campaigners for a Scottish Parliament picked it up.

Opponents of devolution sought to address such complaints by improving the accountability of the bureaucracy without creating a separate legislature. For example, the Conservative Party’s ‘Taking Stock’ exercise after the 1992 general election led to some small reforms of the way Scottish business was dealt with at Westminster (Paterson 1998: 225). The last Conservative Scottish Secretary Michael Forsyth decided to take the Scottish Grand Committee on tour and allow it to question UK ministers. He also made an overt effort to present himself as a proud Scot, for example, by wearing a kilt to the premier of the film *Braveheart*. In some ways these

⁷ Scottish Constitutional Convention (1995) *Scotland's Parliament, Scotland's Right* (Edinburgh, Convention of Scottish Local Authorities)

efforts were counter productive. Mitchell argues that by creating a distinct bureaucracy, and engaging in a debate about how to improve it, the Tories gave credence to the idea that there was a Scottish political system in all respects except that of a democratically accountable Parliament (Mitchell 1990: 17).

Another strand to the argument about accountability was the idea that a Scottish Parliament would be more responsive to people's needs because it would do politics in a different way. The style of debate in the House of Commons is noisy, confrontational and governed by archaic traditions. Until 1998, spare collapsible top hats were kept on hand for MPs who wished to make a point of order during a vote. Campaigners believed that politics in a devolved Scotland would be more open and consensual. This was reflected in the agreement within the Scottish Constitutional Convention that major decisions would be reached by consensus and the greater prominence given to issues such as women's representation. The aspiration for 'new politics' also fed into the design of the Scottish Parliament through the work of the Constitutional Steering Group, which was given the task of drawing up the new institution's standing orders. Whether these aspirations have been met is highly debatable. Holyrood has imported Westminster's adversarial political culture and the new politics often looks very much like the old (Mitchell 2000).

Better Policies

During the 1980s and 1990s, devolution came to be seen as a way of protecting Scotland from the Tories and introducing more social democratic politics. The belief that a Scottish Parliament would make life better for most Scots was an important

structural foundation for the success of the home rule movement. Indeed, Brown et al argue that the expectation of better policy outcomes is the main explanation for the majority in favour of home rule:

“It is probable that the main reason why the referendum did lead to a clear endorsement of a Scottish Parliament was that people were persuaded that a Parliament would be a means of achieving better welfare and so on. Thus 62 per cent of respondents expected the health service to get better, 54 per cent expected the economy to strengthen and 48 per cent expected social welfare to improve; moreover, for each of these categories, only around one in seven respondents or fewer expected matters to get worse with a Parliament” (Brown et al 1998: 163).

The view that devolution would lead to better policy outcomes was largely a product of the Labour Party's domination of politics in Scotland combined with its failure to achieve a majority at Westminster. In the 1970s, Labour politicians were still influenced by an ideological inheritance that saw progress towards socialism as something to be delivered by central government. As Bogdanor explains, “Devolution would undermine the twin pillars of Labour's programme. To devolve economic functions would threaten centralised planning and was inconsistent with Keynesian demand management. The devolution of social policy implied different standards of social welfare in different parts of the country threatening the foundations of the welfare state” (Bogdanor 1999: 169). During the 1980s this ideational framework was undermined by the Labour Party's exclusion from power at a UK level.

The Labour Party's electoral domination of Scottish politics meant that devolution came to be associated with a social democratic policy agenda. Mitchell argues that the

desire to promote different policies in Scotland came to reinforce the case for devolution:

“Labour members saw whole areas of life transformed while their party was impotent to prevent this, despite having the overwhelming support of the Scottish people. Labour housing authorities, for example, saw their stocks dwindle and deteriorate. It was thought that many services which would have been the responsibility of a Scottish assembly might have been protected” (Mitchell 1998b: 132-133).

The closures of the Gartcosh and Ravenscraig steel plants provoked well-publicised campaigns, but the introduction of the poll tax in Scotland, a year ahead of England and Wales, was particularly significant because it came to symbolise the Conservative government’s insensitivity to Scottish opinion (Denver et al 2000: 29-32; Mitchell 2003: 37). Campaigners began to argue that a Scottish Parliament would have stopped the poll tax (Mitchell et al 1998: 168; Harvie & Jones 2000: 133).

Good for the UK

The idea that Scottish home rule could lead to better government for the whole of the UK has always been part of the constitutional debate. For example, the Scottish Liberal Party’s submission to the Kilbrandon Commission, established by Harold Wilson in 1968, supported devolution in part because they believed it would help create a positive environment for full federalism (Paterson 1998). The Labour MP John P. Mackintosh also argued that a consequence of centralising power in London was a narrow governing class: “consider the weakness in terms of trained talent of either major party in Britain if it has lost two or three successive general elections

when there is no other training ground except Westminster-Whitehall” (Mackintosh 1970: 71). However, most Scottish politicians were driven by domestic concerns. It was only after Tony Blair’s election as Labour leader, in 1994, that the impact of devolution on the rest of the UK was more closely considered.

New Labour presented devolution as just one part of a radical programme of constitutional reform that was about modernising the whole of Britain (Keating 1998; Mitchell 1998b). Tony Blair’s government also planned assemblies for Wales and Northern Ireland, a new strategic London authority, proportional representation for European elections, removal of hereditary peers from the House of Lords and a Freedom of Information Act (Bogdanor 2001: 139). This served a political purpose because it meant that devolution was less likely to be seen as a ‘special deal for the Scots’:

“The climate surrounding the passage of the legislation will be crucially influenced by the priority that the government gives to the constitutional agenda. If the Scotland Bill is not firmly located in a project to modernise the British state, and comes to be regarded as a ‘special deal for the Scots’ the degree of hostility will intensify.” (McCormack & Alexander 1996: 99).

An influential report from the Constitution Unit made a similar argument that Scottish devolution was a major commitment of legislative time, but an English backlash could be avoided if it was part of a coherent programme of constitutional change embracing all parts of the UK (Leicester 1996: 31). However, once UK politicians began to seriously engage with the issue questions that had previously been regarded as settled were reopened. The most obvious example of this is the

decision to hold a two-question referendum. According to the literature, Tony Blair wanted a clear show of public support for devolution in a referendum that would help to ease the legislation through Parliament, particularly the House of Lords where Labour did not have a majority. The second question on tax raising powers also had a UK logic because New Labour feared the potency of Conservative attacks on the so-called 'tartan tax' could harm its reputation for fiscal prudence across the whole of the country (Jones 1997a: 11; Denver et al 2000: 41-46).

National Identity

This section is particularly concerned with the increasing politicisation of Scottish national identity during the 1980s and 1990s. Paterson argues that if the discussion about good government had been conducted as an academic seminar it would have got nowhere: "The emotional fuel on all sides has come from some version of politicised national identity, verging on nationalism even among people who would disavow that word" (Paterson 1998: 4). In the debate about a Scottish Parliament all sides – nationalists, devolutionists and unionists – invoked history and identity in support of their politics. Although there is controversy about the significance of Scottish national identity to the ultimate success of the home rule movement, academics agree that its very existence was an important structural factor underpinning the debate about self-government.

Scotland is one of the world's least disputed examples of a stateless nation. Nationalists may draw particular inspiration from the wars of independence against England in the fourteenth century, but all sides celebrate Scotland's status as one of

the old nations of Europe (Keating 2001: 199). Scotland's sense of nationhood is reflected in survey evidence asking people to define their national identity. McCrone points out that survey evidence from the 1990s showed that when a scale was used asking people to choose from 'Scottish not British' at one end to 'British not Scottish' at the other, generally six out of every ten people gave priority to their Scottishness over their Britishness (either 'Scottish not British' or 'More Scottish than British'). Over half claimed some version of dual nationality, but the emphasis on being Scottish rather than British increased during the Thatcher years (McCrone 1998: 38). The existence of a strong sense of Scottish national identity has encouraged all the political parties to use nationalist language at various stages in their history.

Nationalism is a doctrine which asserts that nations have the right to determine their own affairs as they see fit. Nationalism is also a form of behaviour that seeks to politicise national identity in making policy or autonomy demands on the nation's behalf. Some commentators argue that the pursuit of political sovereignty is a basic characteristic of all sub-state nationalist movements (Breuilly 1982: 3). However, Keating points out that nationalists do not always aim for separate statehood. He argues that national minorities often hold that self-determination can be exercised as part of a larger state:

"Nationalism in Wales or Brittany has placed little emphasis on the creation of an independent sovereign state. Scottish nationalism has a long history but only since the 1930s has there been a party committed to an independent sovereign state. Irish nationalism under O'Connor and Parnell aimed to secure home rule rather than sovereign independence" (Keating 2001: 23).

The Conservatives played the Scottish card with some success in the 1950s, berating Labour's policy of nationalisation for transferring control of Scottish industry to London (Finlay 1997: 139; Mitchell 1990). For example, in 1949 Winston Churchill told the biggest ever gathering of Conservatives in Scotland, at Ibrox Stadium, that "The whole process of nationalisation is of course specially detrimental and offensive to Scotland. It affects not only its prosperity, but the independence which Scotland has exercised in so many fields. No sharper challenge could be given to Scottish nationalist sentiment than is now given by the socialism of Whitehall."⁸

The growth of the welfare state and a planned economy was a strong unifying force that gave ordinary Scots a stake in the British state. McEwen points out that, "The symbolic significance of institutions such as the National Health Service – the shared burdens, sacrifices and mutual support they embody – can serve to strengthen the emotive bonds of nationhood" (McEwen 2002: 69). Scots could still identify with their historic nation, while buying into the collective British project of building a new Jerusalem.

The Labour Party's commitment to the welfare state as a common UK project was reflected in their hostility to devolution, even after the SNP's electoral success forced it back onto the political agenda. In June 1974, the Executive Committee of Labour's Scottish Council dismissed a Scottish assembly by six votes to five as 'irrelevant to the real needs of the people of Scotland'. Donald Dewar was one of the five members of the committee who attended the meeting and voted in favour of devolution.

⁸ <http://www.rangersfchistory.co.uk/winstonchurchill.html>, accessed 26 June 2011

Ironically, one third of the members were absent supporting Scotland in a World Cup football match (Bogdanor 1999: 141). This shows how Scottish national identity was regarded by many as something to be celebrated on the terraces at Hampden Park, or in traditional music at Hogmanay, but it was essentially depoliticised. Labour reversed its opposition to a Scottish assembly at a special conference a few weeks later, but trade union block votes were needed to deliver the result and most activists remained sceptical about devolution.

In the 1980s, Scotland's political debate was transformed by the particular brand of Conservatism associated with Margaret Thatcher. Mitchell argues that the essence of Thatcherism was a nationalist appeal to a 'myth of British greatness'. The Tories associated the welfare state with Britain's decline because in their view it encouraged a culture of dependency that undermined individual responsibility. (Mitchell 1990: 128-9) McEwen argues that cutbacks and reforms to the welfare state weakened the sense of belonging to the state as a national community:

"A Scottish Parliament replaced a strong centralised state as the means by which Scottish social and economic needs could be addressed. The shift away from the Keynesian welfare state, and the redefinition of Britishness which complemented government policy priorities, weakened British national identification in Scotland and strengthened the view that autonomous government could better reflect Scottish identity and Scottish policy priorities" (McEwen 2002: 86-87).

Scottish national identity itself became increasingly associated with social democratic values and opposition to the Conservatives (McCrone 2000: 27). The Tories had traditionally been attacked as the enemy of the working class, but now their political

opponents also succeeded in branding them as anti-Scottish (Harvie & Jones 2000: 122-141).

Denver et al contend that the key to understanding the movement's success was the way in which, "working class identity and national identity came to reinforce each other" (Denver et al 2000: 48-49). Their analysis of the 1997 referendum results shows that those who defined their identity as 'More Scottish and less British' were much more likely to vote 'Yes, Yes'. People who described themselves as working class were also more supportive of devolution than the self-described middle class (Denver et al 2000: 157). They conclude that the key to understanding the achievement of a Scottish Parliament lies in these changes to the underlying structure of social cleavages in Scotland. However, Brown et al argue that there is no simplistic relationship between how people define their identity, the party they vote for and their constitutional preference. Even Tories who voted against devolution saw themselves as primarily Scottish, not British (Brown et al 1998: 210). Furthermore, some of those who gave priority to being British also voted 'Yes, Yes' (McCrone 2000: 123). So, national identity is important but it does not fully explain why the electorate voted so emphatically for a Scottish Parliament.

Civil Society

The existence of distinctive Scottish institutions in civil society is identified by the literature as an important structural foundation to the debate about self-government. McCrone argues, "It is the autonomous and longstanding history of civil society, beyond the control of the state, which has been the platform on which the new

institutions of Parliament and Executive have been built” (McCrone 2003: 45). Although Scotland gave up its parliament in 1707, the nation retained its own institutions, most notably in the form of the Church of Scotland, the education system and the legal system (McCrone 2000: 42-47). The governance of day-to-day life therefore continued largely as before. Keating comments that, “During the eighteenth century, Scots notables were given a free hand in running local affairs while from the late nineteenth century, the modern, interventionist state took a distinct administrative form in Scotland (Keating 1998: 219). This institutional inheritance ensured the continuance of a distinctive political discourse about the provision and delivery of public services (Brown et al 1998; Mitchell 1990). During the nineteenth and twentieth centuries, these institutions were greatly expanded with amongst other things the growth of the Scottish Football League, the STUC and a distinct Scottish press. The state also took a distinct administrative form in Scotland with the creation of the Scottish Office in 1885.

As Hearn points out, the legitimacy of the state – and by extension any alternative vision of a new state – must be won in the networks of civil society (Hearn 2000). In the 1970s, many significant Scottish institutions firmly opposed the idea of a Scottish Assembly. Scotland’s most popular newspaper, the *Sunday Post*, was firmly unionist in its outlook. The weekend before the referendum it gave space to Margaret Thatcher, who argued strongly for a No vote: “This Act, if accepted, would be a time-bomb under the unity of the United Kingdom. Fundamental changes should not come about that way. We must make them by negotiation and agreement”.⁹ The business community shared her hostility towards devolution and played a prominent part in the

⁹ Margaret Thatcher, “No says the leader of the opposition”, *The Sunday Post*, 25 February 1979

'No' campaign (Denver et al 2000: 19). Many local councillors also opposed a Scottish Assembly because they feared it would encroach on their own areas of responsibility (Lynch 2001: 217).

Furthermore, Tom Nairn articulated a feeling on the left that the institutions of Scottish civil society were themselves deeply conservative and a legitimate target for destruction. He portrayed the Presbyterian Kirk as an oppressive, gloomy nightmare and damned the rest of middle-class Scotland with the same stroke of his pen: "The Edinburgh baillie and the shipyard worker can both be joined in praise of Nationalism; but the nation and its culture belong to the former, not to the latter, and the triumph of a merely populist nationalism will signal a greatly strengthened grip of the real ruling class" (Nairn 1970: 39). Although he later came to argue that Scottish nationalism could be a positive force for social change, Nairn's argument that there was nothing inherently progressive about Scottish civil society was very influential. Paterson comments that his critique has entered the Scottish intellectual world so deeply that most people know its arguments without having read it (Paterson 1998: 4).

During the 1980s and 1990s the debate about devolution shifted because of the way that the Conservative Government alienated large sections of civic Scotland. Margaret Thatcher was regarded as particularly insensitive to Scottish opinion:

"Her government took the absolute sovereignty of parliament literally, neglecting a tradition that it should limit its own power in the interests of tolerable rule... Thus she largely ignored Scottish protests about the privatisation of public utilities, or the introduction of a more commercial style of management to the health service, or the erosion of the powers of elected local government. She was even crass enough to try

to reform the citadel of Scottish middle class sensitivities, the legal system, which is still seen as a symbol of the entire semi-independence of Scotland within the Union” (Paterson 1994: 169).

In Scotland, the Tories’ anti-state rhetoric and attack on institutions like the nationalised industries, local government and education came to be seen as an attack on Scotland itself (McCrone 2000: 122). This perception was reflected in the founding document of the Scottish Constitutional Convention, *The Claim of Right*: “The choice of adhering to present Scottish government is not available. Either we advance to an assembly, or we retreat to the point at which Scottish institutions are an empty shell and Scottish Government is, in practice, indistinguishable from that of an English region.”¹⁰

The support of Scottish civil society was therefore an important structural foundation for the success of the home rule movement. The Scottish Constitutional Convention gave devolution the appearance of a national project. When it met for the first time in 1989 it included representatives from local government, the STUC, the Scottish Churches and the business community (Kenyon Wright 1997: 49). It was an Episcopalian Priest, rather than a politician, who famously captured the insurgent atmosphere at the Convention’s first meeting. Canon Kenyon Wright asked the Convention, referring to Mrs Thatcher, “What if that other single voice that we all know so well responds by saying, “We say no, and we are the state”? Well, we say yes, and we are the people.” (Marr 1992: 206) Kenyon Wright says that his objective was to encapsulate the central challenge that the Convention was making to the authority of the British state. (Kenyon Wright 1997: 52)

¹⁰ *A Claim of Right for Scotland*, 1988

There is a debate about the legitimacy of the Scottish Constitutional Convention as an expression of popular sovereignty. In the speech to the Constitution Unit that I described at the beginning of this chapter, Lord Irvine of Lairg claimed that the Labour Government was, “building on the work of the Scottish Constitutional Convention and therefore on the wishes of the people of Scotland.”¹¹ This is a controversial statement about an unelected body that could be parodied as a constellation of the great and the good. Mitchell argues that the Convention “embodied the very principles the movement opposes – unrepresentative, lacking legitimacy and without an explicit Scottish mandate” (Mitchell 1996: 133). McCrone retorts that these remarks imply that only elected representatives – in a parliament – have the legitimacy to speak on behalf of Scotland. (McCrone 2003: 46) But all sides agree that civic Scotland articulated the growing sense of people against the state during the Thatcher years. The Convention helped to gather support for a Scottish Parliament and deepen the Labour Party’s commitment to change (Denver et al 2000: 36). It also altered the dynamic of debate on controversial subjects such as proportional representation and the representation of women.

Why Conventional Explanations Fall Short

This discussion demonstrates that in seeking to understand the political processes that led to the establishment of the Scottish Parliament, much of the existing literature focuses on structural factors. The dominant themes of good government, national identity and civil society offer plausible explanations for political change. While these

¹¹ Lord Irvine of Lairg, 1998, “Government’s Programme of Constitutional Reform”, (London: Constitution Unit)

accounts are sometimes competing, it is clear that a new political context helped to push devolution up the political agenda. The unifying theme is that the electoral divergence between Scotland and England in the 1980s and 1990s, combined with the unsympathetic attitude of the Conservative Government, undermined the legitimacy of the British state. However, structural analyses cannot entirely explain the success of the home rule movement, or the nature of the Scottish Parliament that was eventually created.

The literature overlooks the ways in which the need for reform was socially constructed. Reform was made possible, at least in part, because political leaders, such as John Smith and Donald Dewar, mobilised public debate and framed the argument in ways that generated support for devolution. The movement towards a new constitutional settlement also involved a series of detailed and specific decisions that should be understood and analysed in their own terms. Would Labour join the Scottish Constitutional Convention? Should there be another referendum? How would the Scottish Parliament be elected? What powers would be devolved? In each case there could have been a series of alternative options, but the impression given by the literature is that the path from the Scottish Constitutional Convention was smooth, seamless and almost inevitable. In fact, this thesis will show that it was heavily contested at each stage in the process.

Furthermore, while the literature considers the interests of political parties, and the rise of the SNP, in guiding the Scottish political debate it does not pay sufficient attention to the shifting dynamics within political parties. This thesis will argue that whilst the SNP's success pushed devolution onto the political agenda in the 1990s and

1970s, this was not a significant factor in the 1980s. The Labour Party's exclusion from power at Westminster during the years of Conservative Government was a bigger factor in their embrace of devolution than the threat from the Nationalists. With 50 seats in Scotland after the 1987 general election, the party could garner obvious advantages from espousing the cause of a Scottish Parliament (Himsworth & Munro 1998: 18). But there is something more that the literature has neglected. The Labour Party's weakness at a UK level altered its own internal balance of power. Scottish MPs were better represented in the Shadow Cabinet than at any time in the party's history and they formed around a quarter of the Parliamentary Labour Party. This institutional context provided Dewar with resources and opportunity to guide policy towards a Scottish Parliament.

It should be acknowledged that the academic literature does not completely neglect the role of individual actors. Margaret Thatcher is recognised as a significant force for political change in that she fundamentally shifted the terms of the debate in each of the settings described above. Harvie and Jones describe her as, "the 'onlie begetter' of Scottish home rule, *the* person who made Scots think that the differences from the South, not the similarities, determined the nation" (Harvie & Jones, 2000: 122). James Mitchell echoes this analysis:

"No single figure did more to help the devolutionist cause in Scotland and Wales than Margaret Thatcher. Mrs Thatcher was perceived in Scotland and Wales as insensitive to Scottish and Welsh identity. The Conservatives had long been a minority force in Scottish politics and had never been anything else in Wales. The combination of a government operating with minority support in Scotland and Wales introducing often controversial policies led by a Prime Minister who was perceived to be insensitive to

Scottish and Welsh concerns was a potent brew. In terms of home rule politics, it resulted in a much more ideologically coherent home rule campaign and eventually raised the issue to the forefront of Scottish politics” (Mitchell, 2003: 35-36).

I accept that devolution became a much more potent issue when it was seen through the prism of Thatcherism. Nevertheless, I question whether the central role of Margaret Thatcher in the academic debate can meaningfully be described as agency. It was not her intention to push constitutional change up the political agenda. She was a strong opponent of a Scottish Parliament. The original contribution of this research is therefore in offering an approach focusing on the interaction between agents and institutions, which is neglected in the existing literature on Scottish devolution.

III. Donald Dewar: The Father of the Scottish Parliament?

In this section of the Chapter, I will discuss why Donald Dewar has been chosen as the most appropriate individual actor around which to marshal the evidence. It can be argued that he did more than any other politician to create the Scottish Parliament, but this research project does not rest on that premise. I recognise that other actors also made major contributions to the achievement of home rule. As Labour leader, John Smith was one of devolution’s most ardent supporters. Smith described it as “unfinished business” and after his death the idea that a Scottish Parliament was part of his legacy put strong moral pressure on his successor Tony Blair to deliver.¹² George Robertson also made a significant contribution during his time as Shadow Scottish Secretary, negotiating the system of proportional representation that was

¹² Civil Servant A, interview 12 June 2002

eventually used to elect the Scottish Parliament. Blair himself was personally sceptical about devolution, but he shaped the policy process in important ways and the election of his government was a vital step in making it happen. Any of these individuals could have been chosen as the focus for this study. However, I believe that Dewar is the best single case study because he was more intimately involved with the devolution scheme that was eventually implemented, and for a longer period of time, than any other politician. This is illustrated by a brief appraisal of his political career.

Donald Dewar was brought up as the only child of elderly parents in the middle-class Glasgow suburb of Kelvinside. He was privately educated at Glasgow Academy and studied history, then law, at Glasgow University. This was where his life changed. Dewar became Chairman of the University Labour Club and President of the Union. His generation of students included future political stars like John Smith, who was to lead the Labour Party, Menzies Campbell, a world-class athlete who became leader of the Liberal Democrats and Neil MacCormick who represented the SNP in the European Parliament. These were friendships that crossed party boundaries and he maintained them for the rest of his life. In an interview with the BBC's Edi Stark, he said that it had been the Suez Crisis that took him into the Labour Party, "The more you read about Suez the more extraordinary it was. It was a put up job in exactly the sense I've described. But anyway I mean Hugh Gaitskill came out and took the Labour Party into total opposition to the Suez adventure. Our boys were in danger, but he said it was wrong. And it was a big event, and I very strongly felt he was right."¹³ He was also committed to devolution from his youth and began speaking on

¹³ *Stark Talk*, BBC Radio Scotland, 11 January 2000

the issue at conferences in the late 1950s. His friend and colleague Murray Elder comments that:

“He was pro-devolution when it was deeply unpopular to be pro-devolution. Now what motivated him in that, he was in many ways a liberal with a small 'l', he believed in I guess the minimalisation of the centralisation of power. And I think the idea that you could have separate laws, separate education system, a separate legal system, separate health system and not have some kind of democratic accountability in Scotland for that, direct democratic accountability, just stuck in his craw.”¹⁴

Most Labour MPs came to accept the case for a Scottish Parliament only as a pragmatic response to the rise of the SNP or as a reaction against Margaret Thatcher's domination of Westminster politics. But Dewar's commitment to home rule was much more deeply rooted in his sense of Scottish history and culture. He collected Scottish paintings, especially those of the Colourists, and had a huge collection of books reflecting his interest in the Jacobite rebellion and the disruption of the Church of Scotland in the nineteenth century (Elder, 2005: 84).

Dewar was the first of his political generation to make it into the House of Commons. He was just 28 years old when he won the marginal constituency of Aberdeen South from the Tories in 1966, with a majority of 1,799. He was the first Labour MP to hold the seat. Dewar made his maiden speech in a debate on the budget. His self-deprecating style was immediately evident: “It is with some trepidation that I find myself on my feet at this early stage. Many of my hon. Friends counseled a longer wait, but a maiden speech is an ordeal which does not improve with contemplation

¹⁴ Murray Elder, interview 22 January 2007 (London)

and I decided to take my courage in both hands and rely on traditional tolerance of the Committee.”¹⁵ Politically Dewar was on the Gaitskellite right of the party, which brought him into contact with MPs like Roy Jenkins and Roy Hattersley. In the House of Commons, he made his name as an advocate of liberal reforms, such as abolition of corporal punishment and reform of the divorce law; and he moved a private members bill to abolish the not proven verdict (McLean 2001). His talents were recognised when the President of the Board of Trade, Anthony Crosland, made him his Parliamentary Private Secretary. Dewar had his foot on the first rung of the ministerial ladder, but his career was interrupted when he lost his seat after just a single term.

Being out of Parliament for most of the 1970s meant that in practical terms Dewar had little contact with the ‘mini cadre’ of home rulers that emerged around Jim Sillars and Alex Eadie in the House of Commons. McLean comments that they were also from different social backgrounds, “While Donald emerged from the Glasgow University nursery, Sillars and co’s finishing school was the industrial wing of the movement. They were working class and, relative to the mostly social democratic Glasgow University recruits, on the left ideologically” (McLean 2001: 6). These social differences may have hindered the pro-devolutionists from making common cause. Dewar was never close to Sillars or other members of his group like Harry Ewing. With his parliamentary career on hold, he worked as a reporter to the Children’s Panel in Lanarkshire. After four years, he went into private practice because he wanted to stay in politics and felt that he couldn’t do that as a public servant.¹⁶ Although he was not an MP, Dewar had remained prominent in Scottish Labour politics as a constituency representative on the party’s Scottish Executive

¹⁵ Donald Dewar, House of Commons debate, 4 May 1966, Hansard Vol 727 cc 1686-1692

¹⁶ *Stark Talk*, BBC Radio Scotland, 11 January 2000

Committee. He also presented Radio Clyde's weekly political programme *Clyde Comment*.

In 1974, Dewar was short listed for West Stirlingshire but lost in a close fight with Dennis Canavan, who was the CLP Secretary and had been the agent for Willie Baxter, the retiring MP (Canavan 2010: 86-96). He also lost out to James Craigen in Glasgow Maryhill and had to wait another four years before making it back to the House of Commons. In 1978, he won the nomination for Glasgow Garscadden by 20 votes to 17 in the selection conference. At that time, the SNP were riding high and they held all six of the district council seats in the constituency. George Robertson comments that, "He had of course been trying for a number of years to get back into Parliament I think with decreasing enthusiasm as he was sort of robbed in many of the selection contests. But he was the right man in Garscadden."¹⁷ The by-election was bitterly fought. Anti-abortion campaigners targeted Dewar over his support for the Abortion Act, which was a divisive issue among working class Catholic voters. He held his ground and, against the odds, won with a majority of 4,552.¹⁸ Jimmy Allison, who was appointed as Labour's Scottish Organiser in 1977, said that "I was Dewar's election agent during the by-election and he was the best by-election candidate Labour had in Scotland during my period as a full-time official."¹⁹ It was an important election because it stopped the SNP in its tracks. Bob McLean comments that, "Garscadden propelled Donald Dewar from a middle-ranking party figure to Labour superhero, and champion of Labour's devolution proposals" (McLean 2001: 7).

In his first speech to the House of Commons, Dewar began with a witty reference to

¹⁷ George Robertson, interviewed for Radio Scotland, 7 November 2003

¹⁸ Tam Dalyell, "Donald Dewar: Obituary", *The Independent* 12 October 2000

¹⁹ Jimmy Allison, "Extract from Guilty by Suspicion – A Life & Labour", *The Herald* 6 March 1995

his defeat in 1970. He said, "I have had a great deal of gratuitous advice on how I should start this contribution today. The most popular formula has been: "As I was saying when I was rudely interrupted by the events of 18th June 1970". I rejected that because I cannot remember what I was saying at the time of the 1970 Election." The more substantive point he went on to make was that his constituents had rejected the SNP's case for independence:

"My constituents rejected heartily the proposition that in some way we can solve our problems by cutting ourselves off from the rest of the United Kingdom. They rejected the Scottish National Party slogan that we should shed what they see as the dead weight of England. My constituents believe that we must have a common approach to common problems. What Garscadden is looking for is a policy not of fragmentation—because that is what separatism and independence means—but of unity in the attack on poverty and injustice in society. They want coherent political priorities—which would be as relevant on Tyneside and Merseyside, as certainly on Clydeside. They do not want romantic slogans, however slickly these may be packaged. I emphasise once again that I am proud to represent Garscadden—very deeply proud."²⁰

Dewar's speech reflects the importance of the by-election to the Labour Party and its defensive posture at the time. But Labour still had to make the positive case for its own devolution proposals, which the Callaghan administration was struggling to get on the statute. The following year the legislation was put to the electorate in a referendum and Dewar took a leading role in the cross-party 'Alliance for an Assembly'. His involvement was notable because most Labour MPs would not share platforms with people from other parties. Liberal MP Russell Johnston, Conservative MP Alick Buchanan Smith and STUC General Secretary Jimmy Milne were also

²⁰ Donald Dewar, House of Commons debate, 27 April 1978, Hansard Vol 948 cc 1681-1688

prominent members of the group (McLean, 2001: 6). The campaign took place against the backdrop of the 'winter of discontent' and ended in failure. Although a narrow majority of those who voted said 'Yes' to a Scottish assembly, the requirement that those in favour should represent 40 per cent of the electorate was not met. Dewar's friend and colleague Sam Galbraith says, "I think Donald was seared by the '79 referendum. There were a lot of people who had been through that for whom the memory was difficult and left wounds."²¹ He emerged from the 'defeat' with a strong belief that it was necessary to make common cause to achieve devolution.

Back in the House of Commons, Dewar had very quickly gained a platform as Chairman of the Scottish Affairs Select Committee and he was appointed as a front bench spokesman on Scottish Affairs in November 1980. His success in the role was reflected in the 1983 Shadow Cabinet elections. He polled 60 votes and only narrowly failed to win a place.²² That November, Neil Kinnock made him Shadow Scottish Secretary anyway, a post he would hold for nine years. Throughout this period he was the dominating figure in the Scottish Labour Party. Although other actors, such as John Smith and Robin Cook, held more senior positions in the Shadow Cabinet they were primarily concerned with UK politics. As Shadow Scottish Secretary, Dewar was faced with a challenge that was different from any of his predecessors. Margaret Thatcher's Government had a majority of 144, the largest since 1945. But Labour remained the largest Scottish party with a majority of seats and a strong grip on local government. This gave them the feeling of being the Scottish political establishment (Naughtie 1984). The question for Labour how it would use its position as the majority party in Scotland to protect the communities from which it gained support

²¹ Sam Galbraith, interview 12 August 2002 (Glasgow)

²² The Telegraph 12 October 2000

from the policies of the Conservative Government. Dewar's approach involved an unusual combination of radicalism and conservatism.

The major political issue of Margaret Thatcher's second and third terms was not devolution, but local government taxation. Jack McConnell, who was a founder member of the home rule pressure group Scottish Labour Action, comments that: "Devolution was a mechanism for making sure that decisions that were wrong and would never have had political support in Scotland could not be imposed from outside again, but the immediate issue of the poll tax, coupled with the general approach of the Conservatives to the economy and to local government, those were the biggest issues, but the poll tax was the galvanising issue."²³ Dewar was under pressure from left-wing activists to back a non-payment campaign to stop the Poll Tax. He strongly resisted this because he believed a political party that aspired to be in government could not tell people to break the law. However, Dewar was much more positive about devolution and used his position as Shadow Scottish Secretary to put constitutional change at the centre of Labour's political platform. He overturned the party's long-held resistance to cross-party campaigning and it was under his leadership that Labour joined the Scottish Constitutional Convention.

Following Neil Kinnock's defeat in the 1992 general election, Dewar was moved to a new post as Shadow Social Security Secretary. When Tony Blair was elected as Labour leader two years later he became Chief Whip. This was an important role because John Major's Government had a tight majority and was struggling to get legislation on controversial issues, such as the Maastricht Treaty, through the House of Commons. Dewar's bookish persona and crumpled appearance contrasted sharply

²³ Jack McConnell, interview 2 July 2009 (Edinburgh)

with the style of New Labour, but it gave him integrity and authenticity. When Labour returned to power in 1997 he was given the job he had always coveted and became Scottish Secretary:

“I was being put in there to deliver something with which I had been associated over a very lengthy period of time. And I knew it would be the absolute blockbuster bill of the first session. I knew it would be an enormously high-pressured job getting it from the White Paper through the Bill, through to the Statute Book. I knew that we were committed to a referendum in the middle of that process. So it was an unrescuer of monumental proportions. But having got into government, as I say, just in time to get what was clearly one of the most important jobs in that government, in that time slot. And also I think of absolutely fundamental significance in Scottish terms.”²⁴

His Cabinet colleague Ron Davies says, “I think Donald Dewar was liked and respected by most. His ability and integrity was appreciated and he was regarded as someone who was the authentic voice of Scotland and could speak with authority for the “Broad Church”.”²⁵ He sat down to write the Scotland Bill that would make the Scottish Parliament a reality. The draft that he produced involved negotiations with almost every government department. His scheme was pulled apart and put back together again in the Cabinet Committee on Devolution for Scotland, Wales and the Regions, which was chaired by the Lord Chancellor, Derry Irvine. The two men had hardly spoken since 1970 when Dewar’s wife, Marion, left him for Irvine, and took their two children with her. Dewar secured most of what he wanted and won overwhelming public endorsement for his plans in the referendum on September 11th, 1997. The opening of the Scottish Parliament two years later was the summit of his

²⁴ *Stark Talk*, BBC Radio Scotland, 11 January 2000

²⁵ Letter from Ron Davies to Andrew McFadyen, 7 February 2011

life's work. It should have been a happy ending, but his experience as First Minister was difficult. A series of rows over issues like the cost of the new parliament building damaged his reputation and his life was tragically cut short by a brain hemorrhage. Dewar was just 63 years old when he died. One of the tasks I will undertake in the chapters that follow is to cut through the mythology that surrounds Donald Dewar in the media and reconstruct the most important political processes in which he was involved to assess how he really made a difference to the devolution settlement.

IV. Structure of Text

The study focuses on Dewar's role in the crucial 'constitutional moments' that shaped and guided the devolution settlement, and should contribute to the wider theoretical debate on the relationship between structure and agency. No single factor can fully explain the design of a new institution. Constitutional innovations emerge from coalitions of reformers who support particular changes for disparate reasons (Schickler 2001). The desire of some Labour MPs and activists for a more radical stance on devolution had to contend with, and was nested within, the more traditional aspiration of other members to focus on winning power at Westminster. One of the ideas that the dissertation will explore is that Dewar was a 'conservative change maker'. Following a Nixon-goes-to-China logic, his reputation for caution and insistence that devolution should be pursued in a mainstream way gave him the credibility to win support for radical policy options, such as participation in the Scottish Constitutional Convention.

In the next Chapter, I will discuss the theoretical approach that underpins the research and how this has guided the research methodology. The chapter is split into three main sections. The first section discusses and justifies the methodological perspective of the dissertation. As I said above, the research is informed by a historical institutionalist rationale and builds on existing insights in the new institutionalist literature. Institutions are the arenas in which individuals confront structural constraints and scenes of ongoing political skirmishing as actors engage with new ideas and set policy goals. This thesis therefore puts a central focus on understanding the inner life of the institutions in which policy on devolution was made. In the second section I will discuss the strengths and weaknesses of the research methods and sources used to gather empirical data. I will describe how the dissertation has adopted a multi-method approach that is both qualitative and historical - including process tracing, documentary analysis and semi-structured individual interviews with elite actors. Finally, I will address ethical considerations and discuss the problems of data analysis, focusing on the difficulties of interpreting multiple accounts.

One remarkable feature of the sequence of events that led up to the establishment of the Scottish Parliament is that Donald Dewar was one of the key actors at both the beginning and the end of the process. The Labour Party leader Neil Kinnock appointed him as Shadow Scottish Secretary in 1983 and he was elected as First Minister in the Scottish Parliament in 1999. His involvement over such a long period of time means that this is one of the rare cases where actors help to create the structural and institutional constraints that guide their own future actions. In Chapter Three, I will present the first of four nested case studies that provide a detailed narrative of the devolution debate and connect the different stages of this political

process. The chapter focuses on the authorship of the Labour Party's Green Paper on Devolution, which was published in September 1984.²⁶ The details of the scheme that it proposed acted as an important foundation for later debates in the Scottish Constitutional Convention. But the Green Paper's greater significance was that it redefined the case for devolution in social democratic terms. I will discuss how restating the case for a Scottish Assembly as the first line of defence against the Thatcher Government helped to change the way that Labour MPs and activists thought about constitutional change.

Chapter Four focuses on the Labour Party's decision to take a leading role in the Scottish Constitutional Convention. As I describe above, the Convention united the major pro-devolution parties and a broad swathe of civic society. The Labour Party's decision to take a leading role in the Convention reversed its long-held opposition to participation in cross-party campaigns. Most academics regard the party's involvement with the Convention as an exercise in agenda-management that was forced on them in response to their unexpected defeat in the 1988 Glasgow Govan by-election (Torrance 2009: 189; Denver et al 2000: 33; Lynch 1996). The SNP candidate Jim Sillars overturned a Labour majority of nearly 20,000 in what was regarded as a safe seat. It is easy to see institutional change as the consequence of such a major shock to the political system, but this chapter will argue that the reality was more complex. I will produce new documentary evidence, which suggests that agency was a significant factor in the political process. The evidence I will present shows that Donald Dewar forced the pace of change and won agreement from

²⁶ Labour Party (Scottish Parliamentary Group) (1984) *Labour's Green Paper on Devolution: A Consultative Document*

colleagues to endorse the Convention well before the SNP made their breakthrough at Govan.

Chapter Five focuses on the Labour Party's decision to hold a two-question referendum before legislating for a Scottish Parliament. This u-turn caused what was arguably the most serious revolt in the party since 1974, when the Scottish Executive Committee snubbed the Prime Minister Harold Wilson by rejecting devolution (Jones 1997a: 4). John McAllion resigned as Labour's front bench spokesman on devolution and former Scottish Office minister Lord Ewing stood down as co-chair of the Scottish Constitutional Convention. The 'official version' of events is that the shift in policy towards a referendum emerged from a process begun by Donald Dewar and closely involved George Robertson. Although they supported the decision in public, I will present evidence that both Robertson and Dewar had serious misgivings about the referendum. Recently published accounts by Tony Blair and his press spokesman Alastair Campbell suggest that the Labour leader came up with the idea of a referendum himself, in March 1996. This case study is significant because it shows how the way in which actors exercise agency defines the range of possibilities for others (Hay, 1995; Hall & Taylor, 1998: 961). The chapter will argue that Blair's election as Labour leader meant that questions previously regarded as settled were reopened. Blair used his authority as leader and the political capital he gained from his commanding lead in the opinion polls to push through the policy.

Chapter Six is concerned with the authorship of the White Paper *Scotland's Parliament*, which was presented to the House of Commons on July 24th, 1997. The document laid out the new Labour Government's devolution scheme, which

substantially reflected the plan drawn up on a cross-party basis by the Scottish Constitutional Convention.²⁷ There are several texts focusing on the content of the Scotland Act. (see for example Paterson *et al* 2001; Mitchell *et al* 2000; Bogdanor 1999; Himsworth & Munro 1998) However, the legislation's progress through Whitehall, and the two Houses of Parliament, is relatively neglected by the literature. Many academics seem to assume that the hard negotiations had already taken place in the Convention and there was a seamless transition to the final legislation (Bogdanor, 1999: 198). However, this dissertation will argue that a detailed analysis of the political process reveals a high degree of contestation in which many battles over key elements of the Convention scheme, such as proportional representation, had to be re-won. The negotiations over the White Paper are also the crucial point at which different lines of causation intersect. This chapter will therefore draw attention to the importance of timing and sequence and discuss the ways in which Dewar's personal credibility as an advocate for devolution enabled him to exploit his political resources to maximum effect.

These individual case studies are smaller steps in a longer historical sequence that spans two decades between Margaret Thatcher's election as Prime Minister in 1979 and the opening of the Scottish Parliament in 1999. Some important developments happen only gradually and become visible when situated in this extended time frame (Pierson & Skocpol 2007; Pierson 2004). The concluding chapter will pull together these different themes. The chapter will discuss the ways in which the dissertation makes an original contribution to knowledge by presenting new empirical evidence

²⁷ Scottish Office, *Scotland's Parliament*, HMSO, 1997, p vii.

about some of the key policy developments in the debate about a Scottish Parliament. And the theoretical contribution that the research makes by drawing attention to the ways in which institutions change and evolve over time as individual and collective actors interact within them. Finally, I will discuss the ways in which I hope the thesis will move the professional discussion along. The thesis will build on existing insights in new institutionalist literature to offer a historically based model of actor-led institutionalism in which ideas, credibility and resources are crucial variables in the way in which actors and institutions interact.

2

RESEARCH STRATEGY AND DESIGN

I. Introduction

This thesis tells an important story in a new way. The creation of the Scottish Parliament heralded a major change in UK politics. As I discussed in the Introduction, the dissertation traces the growing strength and ultimate success of the home rule movement in the 1980s and 1990s. The original contribution of the research is in offering an agency centred approach, which is neglected in the existing literature on devolution. Its central aim is to trace and understand Donald Dewar's influence in the political processes that led to the establishment of the Scottish Parliament, as a case study for analysing the interplay of agents and institutions in political change. This chapter sets out the theoretical approach that underpins the research and how this has guided the research methodology. The term 'methodology' refers to discussion of how research should be done and the critical analysis of methods of research. Methodology also deals with logics of enquiry: how new knowledge is generated and justified (Blaikie 2000: 8). The chapter is split into three main sections. The first section discusses and justifies the methodological perspective of the dissertation. As I will describe, the research is informed by a historical institutionalist rationale. In the second section, I will address the strengths and weaknesses of the research methods and sources used to gather empirical data. Finally, I will address ethical considerations and discuss the problems of data analysis, focusing on the difficulties of interpreting multiple accounts.

II. Approaches to Agency

As discussed in the previous chapter, there is a general tendency in political science to undervalue the role of individual actors. Most academics have sought to explain constitutional change by focusing on broad structural themes, such as the desire for better government or more social democratic policies. The key political actors in this literature, such as the Labour Party and Scottish civil society, are collective or organisational. This dissertation is distinctive because its focus is explicitly on the way in which agents and institutions interact. Political theory must account for the fact that men and women have the capacity to be creative in the way they respond to structural pressures (Layder, 1979: 150). The concept of agency in this thesis stresses the characteristics that enable ‘policy entrepreneurs’ to navigate between different actors and interest groups to construct winning coalitions. These include the credibility of the messenger and their ability to mobilise resources, such as support from the media and independent policy networks (Berman 2001: 235).

The emphasis in this research is on understanding the intentions and motivations of participants in the decision making process. Which political actor initiated the policy that was finally adopted, what were the alternatives and why were they rejected? However, the thesis rejects the assumptions in rational choice theory, which are central to many intentionalist accounts, that individuals always act in their own self-interest and are primarily motivated by the desire to make maximum gain (McAnulla, 2002: 277; Weingast, 1996: 169). The ‘rational actor’ model is also at the heart of public choice theory, which suggests that politicians and government bureaucrats

pursue strategies to maximise their own interests by advancing the interests of their departments (Dunleavy, 1991: 3). If we assume that human beings always seek to maximise their utility we are enforcing a very narrow view of motivation that actually denies 'choice' in any meaningful sense (McAnulla, 2002: 277). In reality human behaviour is much more complex and the decisions we take are often based on habit or cultural norms.

In order to understand why a political actor made a particular choice we have to try and reconstruct their social world. Institutions are the level at which most individual actors confront structural constraints. The renewal of academic interest in institutions, since the 1980s, has drawn attention to the way in which institutions carry formal rules *and* informal norms and customs that regulate human behaviour. Those informal rules are not consciously designed, but become habitual. As Vivian Lowndes describes institutions have legitimacy and show stability over time, which commands respect beyond their immediate utility or the preferences of individual actors. They become part of the social fabric (Lowndes, 1996:182). During the 1980s, March and Olsen coined the phrase 'new institutionalism'. They claimed that institutions should be regarded as actors in their own right, with a set of cultural values that exert a distinct influence on the political process:

"Political democracy depends not only on economic and social conditions but also on the design of political institutions. The bureaucratic agency, the legislative committee, and the appellate court are arenas for contending social forces, but they are also collections of standard operating procedures and structures that define and defend interests. They are political actors in their own right." (March & Olsen, 1984: 738)

Hall & Taylor distinguish three different varieties of new institutionalism: rational choice institutionalism, historical institutionalism, and sociological institutionalism (Hall & Taylor 1996). They have different theoretical foundations, but all of them emphasise the mediating role of institutional settings as actors seek to realise their goals (Peters 1996; Hall & Taylor 1996; Lane & Ersson 2000). It follows that one of the central aims of this research is to understand the inner life of the institutions in which policy towards a Scottish Parliament was developed.

III. Historical Institutionalism

This research is informed by a historical institutionalist rationale. Steinmo argues that, “This approach is distinguished from other social science approaches by its attention to real world empirical questions, its historical orientation and its attention to the ways in which institutions structure and shape political behaviour and outcomes” (Steinmo 2008: 150). Most historical institutionalists are interested in asking important questions about the real world. For example, Theda Skocpol’s classic *States and Social Revolutions* set out to explore the reasons for the great revolutions. (Skocpol 1979) More recent studies have focused on why some countries have bigger welfare states than others or higher levels of unionisation. (See for example Steinmo 1993; Rothstein 1992) Much historical institutionalist research is explicitly comparative, setting out to explore and understand why important things happened, or did not happen. Other studies, like this one, analyse trends within a single context.

In historical institutionalist literature, institutions can encompass both formal organisations and the informal rules, norms and conventions that govern behaviour. These rules can range from the legal rights conferred by an international treaty or the standard operating procedures of the civil service to the conventions governing behaviour in the workplace (Thelen & Steinmo 1992: 2; Hall & Taylor 1996: 93). There is some disagreement in the literature about the breadth of this definition. Ikenberry argues that there are different levels or varieties of institutional structure, “These levels range from specific characteristics of Government institutions, to the more overarching structures of state, to the nation’s normative social order” (Ikenberry, 1988: 226). This thesis sides with Streeck and Thelen, who suggest there may be more value in a narrower definition that focuses on institutions as a middle-range concept.

“Institutions may be defined as *building-blocks of social order*: they represent socially sanctioned, that is, collectively enforced expectations with respect to the behaviour of specific categories of actors or to the performance of certain activities. Typically they involve *mutually related rights and obligations* for actors, distinguishing between appropriate and inappropriate, ‘right’ and ‘wrong’, ‘possible’ and ‘impossible’ actions and thereby organising behaviour into predictable and reliable patterns” (Streeck & Thelen, 2003: 9).

Defining institutions as ‘building blocks of social order’ implies that they are themselves shaped and influenced by social structures, such as class or gender. The way in which institutions interact with these causal variables is a common focus of much historical institutionalist research, although gender is a notable exception that is relatively neglected in the literature (Thelen & Steinmo, 1992: 29).

As I have discussed, historical institutionalism shares with sociological institutionalism a belief that although individuals sometimes act rationally in their own self-interest, we cannot assume that they always do so. In order to understand why a particular choice was made the researcher needs to trace the way in which the political process unfolded. As Thelen and Steinmo explain:

“Institutional analysis allows us to examine the relationship between political actors as objects and as agents of history. The institutions that are at the centre of historical institutionalist analyses – from party systems to the structure of economic interests such as business associations – can shape or constrain political strategies, but they are themselves also the outcome (conscious or unintended) of deliberate political strategies, of political context, and of choice” (Steinmo et al, 1992: 10).

The point is that institutional design cannot be understood without reference to the strategies and choices pursued by individuals involved in the political process. In the context of devolution, we can see that the shifting political landscape may have pushed actors towards certain choices.

The most distinctive feature of historical institutionalism is its focus on how political processes unfold over time. When things happen in a sequence affects how they happen. As Paul Pierson describes, the temporal order in which historical alternatives present themselves forecloses certain possibilities while enhancing the prospects of others (Pierson 2004: 64). Gerschenkron’s classic study of the process of industrialization, for example, showed that backward countries had a different experience of industrialization because they were able to adopt advanced technology

from early developers (Gerschenkron 1962). Ertman's analysis of European state building provides another example of this kind of argument. He argues that military competition was a key factor in the growth of bureaucratic administrations because the state needed to raise taxes. However, those countries that already had high levels of literacy developed in very different ways (Ertman 1997). This focus on issues of timing and sequencing takes on particular significance because of path dependence.

This thesis also builds on recent work in political science, stressing the role of ideas in shaping policy making (Blyth 2002; Bleich 2002; Berman 2001; McNamara 1998; Hall 1993). McNamara conceptualises ideas as road maps that provide orientation to policymakers (McNamara 1998). In her account ideas are shared causal beliefs. Recognising their importance can enrich institutional analysis. Political actors are likely to reject policies and ideas that conflict with their underlying assumptions about what is feasible and desirable. Researchers who adopt ideational approaches suggest that successfully deploying ideas to build support for reform requires a synergy between ideas and the institutional features of the polity (Beland 2005; Berman 2001; Cox 2001). In other words, a new idea is more likely to gain traction if it 'fits' with existing social values. Another significant factor that influences the way people respond to a new idea is the credibility of the messenger. As Berman points out, "New ideas do not achieve political prominence on their own but must be championed by carriers or entrepreneurs, individuals or groups capable of persuading others to reconsider the ways they think and act (Berman 2001: 235). For example, McNamara shows that Germany's status as Europe's biggest and most successful economy meant that its embrace of monetarist policies was critical to their widespread acceptance

(McNamara 1998). Credibility is an important variable in defining the influence of agency for both individual and collective actors.

Path Dependence

The concept of 'path dependence' has been adopted from economic history and the study of technological trajectories. In this literature, being 'first out the gate' with a new technology is important because an early advantage can be crucial in defining what becomes the prevailing industry standard. Once enough people have made the decision to invest, competing technologies are effectively locked out even if they are better or more efficient (Thelen, 2003: 219). In political science, the question of what exactly constitutes a path dependent process is a matter of some controversy. At its weakest, the idea of path dependency is simply an assertion that 'history matters'. Andrew Abbott applies the idea in broad terms to describe reactive sequences of events, which are shaped by the interaction of political actors and social structures, "If there is any one idea central to historical ways of thinking, it is that the order of things makes a difference, that reality occurs not as time-bounded snapshots within which "causes" affect one another but as stories, cascades of events" (Abbott 1991: 227; see also Sewell 1996). From this perspective, timing and sequence are crucial because politics is understood as a chain of connected events, in which each step is dependent on prior steps. The idea that an initial choice will generate pressures that push further along the same trajectory is largely absent from these accounts.

In contrast, Mahoney applies a much more deterministic definition of path dependency. He argues that, "path dependence characterises specifically those

historical sequences in which contingent events set in place institutional patterns or event chains that have deterministic qualities” (Mahoney, 2000: 507). This approach to path dependency is based on the idea that self-reinforcing sequences exhibit ‘increasing returns’. Specific patterns of political behaviour create precedents, standard operating procedures and cultural norms that generate self-reinforcing dynamics and guide actors to think in particular ways. Policy options that were once quite plausible are locked out and it takes a significant effort to shift decision makers onto a new path (Hall and Taylor 1996; Pierson and Skocpol 2002; Pierson 2004). Furthermore, the patterns that institutions produce are not neutral. They reproduce and magnify the distribution of power. Over time, certain groups or actors will benefit in terms of increased resources or authority, while others are marginalised. This means that the goals of the groups who lose out will be increasingly blocked (Thelen, 1999: 394).

It is worth cautioning that although institutions reinforce power disparities, the losers do not necessarily disappear. This is an important difference between technology trajectories in economic history and politics, “For those who are disadvantaged by prevailing institutions, adapting may mean biding their time until conditions shift, or it may mean working within the existing framework in pursuit of goals different from—even subversive to—those of the institution’s designers” (Thelen, 1999: 386). The implication is that increasing returns do not necessarily create a locked-in equilibrium. Institutional patterns might guide actors towards certain decisions, but they are never the sole cause of outcomes. Furthermore, institutions are embedded in a structural context that is constantly changing and creates opportunities for resourceful actors. Stability is not automatic; it has to be sustained (Thelen, 1999:

396). A deeper analysis of political processes that appear smooth and seamless can reveal that they are the scenes of struggle and contest.

By focusing attention on how institutions shape the preferences of actors, arguments about increasing returns pose a basic challenge to rational choice theorists who seek to explain policy decisions as the outcome of a relatively unfettered debate driven by self-interest (Pierson, 2003: 196). Explaining political change requires researchers to examine the interplay between political actors, institutions and the social and economic environment. In short, we have to go back and look at history:

“In effect, there are interactive lines of causation between the social and economic environment and institutional structure.... Historical sequence and phasing become crucial to explanation... Choices made at one juncture limit choices made at subsequent junctures. A historical branching process takes shape with earlier political choices creating the circumstances and limiting the options in the intervening period” (Ikenberry 1988: 225).

Painstaking and careful reconstruction of narrative is therefore absolutely central to any serious analysis of political events. As I will discuss later, one of the most important research tasks is to trace the political process and produce a rich account of what happened. Which institutional structures contextualised important policy decisions and did they constrain or enable the actors who were involved?

Critical Junctures

The concept of path dependence also draws our attention towards critical junctures, or formative moments, when policy is up for grabs. These are the moments of crisis that punctuate periods of stability (Hall & Taylor 1996: 942). Big external events such as war or economic depression can constitute a catalyst for enduring institutional transformation:

“Without a crisis, the liability of newness makes organizational change difficult. Consequently, change is likely to be episodic and occur at moments of crisis (war or depression), when existing institutions break down or are discredited and when struggles over basic rules of the game emerge. Political or economic crisis acts as a solvent, throwing into relief discontinuities between underlying social forces and existing institutions” (Ikenberry, 1988: 224).

When political crises develop they undermine the policies associated with them, “Political crises, occasioned for instance by the spectacular failure of previous policies, radically undermine the ideational framework inspiring the policies and also occasion a search for new ones” (Hansen & King 2001: 261). Katznelson argues that in these circumstances many of the constraints on agency are broken or relaxed and the opportunities for purposive action expand. (Katznelson 2003: 283).

This thesis takes a more nuanced view of punctuated development. Whilst external challenges might destabilise existing institutions and occasion a search for a new ideational framework, the new order will invariably be built out of pieces of the old. Thelen cautions that institutional norms and values can constrain the options of political actors even at critical junctures, “It is hard to think of a single case in which institutions are completely ‘up for grabs’ even in what may look like a critical juncture

situation, nor one in which they are unalterably locked in in any meaningful sense subsequent to these critical junctures” (Thelen, 2003: 220). Political actors engage in day-to-day skirmishing as they respond to changing circumstances. This can lead to incremental change as actors make use of the resources and opportunities they are presented with (Streeck & Thelen, 2005: 19).

Political change must be understood as both an exogenous and an endogenous process. We need to specifically analyse the way in which agents redesign and rebuild institutional orders, and the conditions under which these activities take place (Blyth 2002: 8). Research published by Stone Sweet et al on the growth of European institutions draws attention to the way in which institutions evolve as individual or collective actors interact within institutions, interpreting rules in new ways or developing new ones. Change is often the result of skilled action, or policy entrepreneurship, on the part of specific actors. (Stone Sweet et al 2001: 9). Similarly, Eric Schickler’s study of institutional innovation and the development of the US Congress, stresses the way in which change emerges from coalitions of reformers who support particular policies for disparate reasons (Schickler 2001). This thesis is interested in how coalitions of support were constructed, and the role of agency, at key moments in the policy processes that led to the establishment of the Scottish Parliament.

Smith’s theory of power dependence offers a tool for analysing the construction of winning coalitions. He stresses the way that even strong leaders must build a consensus behind their chosen policy options. Politicians depend on one another because each has resources the other needs, “the power of the Prime Minister and the

cabinet is not fixed but varies according to the resources available, the rules of the game, administrative ability, political support, political strategies, relationships within the core executive and external circumstances” (Smith 1995: 108). The strategy each actor adopts depends on the resources available to him or her. For example, the Prime Minister’s powers of patronage, formal control of the Cabinet and the ability to deal bilaterally with ministers are all assets to be traded. But ministers are also capable of marshalling significant resources including their department, specialist knowledge of the brief and, perhaps, independent authority stemming from the support of policy networks and colleagues in the party. Donald Dewar, for example, could point to sustained pressure from civic Scotland throughout the 1980s and 1990s to bring about a strong devolution settlement (McCrone 2001).

‘Constitutional Moments’ in the Devolution Debate

The dissertation attempts to trace Donald Dewar’s influence in the critical junctures, or ‘constitutional moments’, that shaped and guided the formation of policy on devolution. The research addresses two overlapping themes: the achievement of home rule and the nature of the Scottish Parliament that was eventually established. My assessment of what constitutes a critical juncture in this historical sequence is based on an intensive interrogation of the literature. I accept that my analysis will be open to challenge and debate. Indeed, my own judgment changed as the research progressed. My original research proposal included a chapter on the Constitutional Steering Group, which considered the working methods of the Scottish Parliament and developed proposals for its rules of procedure and standing orders. A fundamental aim of the group’s members was to find a different way to ‘do politics’ and to build a

different political culture in Scotland (Brown 2000b: 554). However, there is little evidence that the new institution and its procedures have succeeded in overcoming the adversarial and tribal culture of Scottish politics. I will justify my choices in more detail in each of the relevant chapters. The critical junctures that I have chosen to focus on in this dissertation are:

The Labour Party's 1984 Green Paper on Devolution

The Labour Party's Green Paper on devolution was published in September 1984.²⁸ There is a clear read-through from the scheme that it proposed to the Scottish Constitutional Convention and the Scotland Act 1999. The only significant amendments are the adoption of the 'reserved powers' model, specifying the powers that would remain at Westminster rather than those that were devolved, and the move towards a proportional electoral system. But the Green Paper was crucial because it changed the rationale used to advance the case for a Scottish Assembly. In recent years, a number of scholars have stressed the role of ideas in shaping policy-making (Blyth 2002; Bleich 2002; Berman 2001). As part of the institutional 'turn' in political science, these writers have explored how politicians and other political actors, like the media, construct problems and preferred solutions. The Green Paper helped to create a narrative that linked the Scottish electorate's growing alienation from the Conservative Government and the day-to-day struggles of the Labour movement against cuts to services and unemployment with the case for constitutional change. It argued that devolution could have saved Scotland from the worst excesses of

²⁸ Labour Party (Scottish Parliamentary Group) (1984) *Labour's Green Paper on Devolution: A Consultative Document* (Glasgow)

Thatcherism. This thesis analyses Donald Dewar's role as the author of the Green Paper in framing this argument.

The Labour Party's Participation in the Scottish Constitutional Convention

The second critical juncture that this research focuses on is the Labour Party's decision to participate in the cross-party Scottish Constitutional Convention. The Convention convened meetings from 1989 to 1995 with the intention of devising a workable plan for a Scottish Parliament. It united the major pro-devolution parties and a broad swathe of civic society including representatives from the vast majority of local authorities, the Churches, the STUC and the business community (Harvie & Jones 2000: 153). Institutional frameworks determine the number of actors who may legitimately participate in decision-making, the degree of power each actor exerts and the ordering of action (Steinmo and Thelen, 1992: 7; Rothstein 1996: 146). The Constitutional Convention changed the institutional context of the devolution debate, providing different actors and organisations with more powerful voices. The need to agree a deal with the Liberal Democrats forced the Labour Party to think much more seriously about adopting a proportional electoral system for the Scottish Parliament. The involvement of civic Scotland in the cross-party campaign also helped to gather support for the project and deepen Labour's commitment to devolution (Denver et al 2000: 36). This thesis focuses on Donald Dewar's role in the political process that led the party into the Convention.

The decision to hold a Referendum

On September 11th 1997 Scots voted 74.3 per cent in favour of a Scottish Parliament and 63.5 per cent in favour of revenue raising powers. The vote is now looked back on as a triumph for Donald Dewar and the home rule movement. But the decision to hold a referendum was very controversial. The policy agreed by the Scottish Constitutional Convention – and endorsed by the Labour Party – was that a general election provided a sufficient mandate for the creation of a Scottish Parliament (Himsworth & Munro 1998: 20). Labour's u-turn was interpreted as an example of the party's weakened attachment to devolution under Tony Blair's leadership (Paterson et al 2001: 13). The decision was crucially important because popular endorsement has given the constitutional settlement greater democratic legitimacy and effectively entrenched devolution in a way that would be extremely difficult for a future Westminster government to abolish (Denver *et al* 2000). The referendum also changed the institutional and political context of the legislative process. The commitment to an early referendum enforced a strict timetable for publication of the White Paper that limited the scope for scrutiny by other Whitehall departments. Furthermore, the Conservative majority in the House of Lords was severely restricted from amending the Scotland Bill because it would have been seen as constitutionally improper for them to interfere with the verdict so clearly expressed by the people of Scotland.

The White Paper, 'Scotland's Parliament'

The Scottish Parliament's legislative powers are defined by the Scotland Act 1998. John Sewel, who steered the legislation through the House of Lords, argues that, "The first, and perhaps the most strategically important, task of the entire legislative

process was the writing of the White Paper (Sewel 2005: 130). Donald Dewar presented the White Paper to the House of Commons on July 24th, 1997. It provided the basis on which Labour would fight the referendum and an authoritative reference in later discussions on the details of the Bill. There were no significant amendments in any of its subsequent parliamentary stages. As Bogdanor points out, “For all practical purposes, the Scotland and Government of Wales bills reached the statute book in the same shape and form as when they were introduced into the Commons” (Bogdanor 1999: 202). This thesis focuses on Donald Dewar’s role in the authorship of the White Paper and the process of pulling and hauling between senior ministers over the details of the devolution scheme.

IV. Research Strategy & Method

The central aim of this dissertation is to explore and understand the interplay between agents and institutions in the political processes that led to the establishment of the Scottish Parliament. The study adopts a methodological perspective, which stresses the meanings and motives of social actors (Blaikie 2001; Guba & Lincoln 1994). Subjective experience is inherently difficult to measure using quantitative techniques. The researcher’s task is to develop a rich understanding of the context in which actors operate. Blaikie describes the chief characteristic of qualitative research as, “a commitment to viewing the social world – social action and events – from the viewpoint of the people being studied. This commitment involves discovering *their* socially constructed reality and penetrating the frames of meaning within which they conduct their activities” (Blaikie 2001: 251). The research has adopted a flexible multi-method approach that is both flexible and historical - including process tracing,

documentary analysis and semi-structured individual interviews with elite actors. As I have discussed, the middle chapters of this thesis are structured around four ‘micro-level’ case studies that focus on critical junctures in the development of policy towards a Scottish Parliament. These are the links in a causal chain and together they form a single ‘macro-level’ case, from which I hope to draw broader conclusions.

Case Studies

Case studies involve the detailed examination of an aspect of a historical episode, or a political event, to develop or test explanations that may be generalisable to other events (George and Bennett 2004: 5). John Gerring argues that a case study “is best defined as an intensive study of a single unit with an aim to generalise across a larger set of units” (Gerring 2004: 341). Researchers who use case studies employ many of the same methods as a historian to deal with primary sources and documentary evidence. But the potential for interviews with participants adds another source of evidence not usually available in a historical study (Yin 2003: 8). The key strength of this method is therefore its ability to draw on a wide variety of evidence in order to understand complex social phenomena. As I discussed earlier in this chapter, historical institutionalist research has a shared bias towards detailed case studies and small-to-medium comparisons focusing on important ‘real world questions’. (Pierson and Skocpol 2002; Thelen 1999; Steinmo 2008) Historical institutionalists argue that focusing on a limited range of cases is an optimal research strategy because it allows the researcher to make a richer set of observations and gain a deeper understanding of the important issues of context, temporality and sequencing.

The four ‘micro-level’ case studies presented in this dissertation focus on the critical junctures, or constitutional moments, in the formation of policy towards a Scottish Parliament. What was Donald Dewar’s impact on the outcome? Did his actions create enduring patterns that shaped the context of his own future actions and those of others? Does this tell us anything about the role of agency that might be generalisable to other events? These individual case studies are smaller steps in a longer historical sequence that spans two decades between Margaret Thatcher’s election as Prime Minister in 1979 and the opening of the Scottish Parliament in 1999. Some important developments happen only gradually and become visible when situated in this extended time frame. As Pierson and Skocpol describe, “To take seriously the rise of a new ideological tendency or social movement, for example, is to examine interconnected sets of actors pursuing meaningful goals over time. Inevitably, these are stories of the long haul; they are not stories well captured by “snapshots” of each moment or round of politics in isolation” (Pierson & Skocpol 2007: 7).

It should be acknowledged that case studies have attracted determined criticism and are regarded with extreme circumspection by some methodologists (Rueschemeyer 2003; Gerring 2004: 341). A series of works argue that they are inferior to designs that apply quantitative techniques to a large number of cases. Among the most influential is King, Keohane and Verba’s *Designing Social Research: Scientific Inference in Qualitative Research*. The authors argue that in order to evaluate a theory it is necessary to collect as much data in as many diverse contexts as possible:

“(1) very few explanations depend upon only one causal variable; to evaluate the impact of more than one explanatory variable, the investigator needs more than one implication observed; (2) measurement is difficult and not perfectly reliable; and (3)

social reality is not reasonably treated as being produced by deterministic processes, so random error would appear even if measurement were perfect” (King et al 1994: 210).

Statistical methods require large samples of cases that are representative and preferably chosen at random to protect against bias. This thesis rejects the idea that the value of case studies should be judged through the prism of statistical research methods. Furthermore, a single case study will generally involve multiple observations that can test theoretical ideas and offer persuasive causal explanations. As George and Bennett explain, “Within a single case, we can look at a large number of intervening variables and inductively observe any unexpected aspects of the operation of a particular causal mechanism or help identify what conditions present in a case activate the causal mechanism” (George and Bennett 2004: 21) A long sequence of historical development can offer a much richer set of observations than statistical analyses normally allow and be substantially more useful (Rueschmeyer 2003: 311; Hall 2003: 397). As I have described, this thesis sets the four ‘micro-level’ case studies within the larger temporal framework of institutional change in the Labour Party during the 1980s and 1990s.

A related criticism of case study methods is that they are particularly prone to selection bias. Historical institutionalists are often accused of ‘selecting on the dependent variable’. In other words, choosing a case where something interesting has happened, while ignoring the instances where it has not occurred (Steinmo 2008; Pierson and Skocpol 2002). This dissertation, like much historical institutionalist research, focuses on an important and relatively rare event. However, some case studies chosen for their intrinsic historical importance rank among the most influential

works in political analysis. For example, E.P. Thompson's classic work *The Making of the English Working Class* changed the way many scholars thought about class formation (Rueschemeyer 2003). Peter Hall makes a similar argument about Stanley Hoffman's magisterial analysis of Third Republic France. His account of how the balance between agrarian and industrial interests had created a "stalemate society" offered insights that reorganised thinking about many other nations (Hall 2003: 390). Graham Allison's account of the Cuban Missile Crisis *Essence of Decision* became a political science best seller that forcefully demonstrated a whole series of lessons about government actions (Yin 2003: 4).

Tracing the Process

In recent years, there has been renewed interest in the study of qualitative methods in political science and a surge of new scholarship focusing on core issues such as case selection and causal analysis. Tansey comments that, "One of this literature's strongest contributions has been to reinforce and further develop the idea that robust causal analysis can be carried out through within-case analysis, rather than or as well as, cross case analysis" (Tansey 2007: 765). This thesis is concerned with the political processes that led to the establishment of the Scottish Parliament. The most appropriate method for undertaking this type of contextual research over time and evaluating the role of agency as a causal mechanism within a single case study is process tracing. Peter Hall comments that, "when the decisions or actions of key participants are crucial to the outcome, by comparing the statements and actions of those participants, the process analyst can often establish the relative influence

various factors had over them with more precision than can be secured by statistical analysis” (Hall 2006: 29).

Process tracing is not a new approach. Debates on the relationship between historical narratives and theoretical explanations have been conducted for as long as political scientists have been writing (Falleti 2006: 9). The method has been most comprehensively described in George and Bennet’s *Case Studies and Theory Development in the Social Sciences*: “In process tracing, the researcher examines histories, archival documents, interview transcripts, and other sources to see whether the causal process a theory hypothesizes or implies in a case is in fact evident in the sequence and values of the intervening variables in that case” (George & Bennet 2005: 206). The goal of process tracing is to obtain information about well-defined and specific events and processes. Different authors use the term in their own way, but for George and Bennet the focus is on searching for corroborating evidence to identify the causal chain and processes at work within a single case study. In this sense it is different from both large-n quantitative methods and other small-n methods, such as comparative case studies.

In the case of Scottish devolution, several theories alluding to different causal processes have been proposed to explain the success of the home rule movement. The desire to achieve better policy outcomes, the politicisation of Scottish national identity and growing pressure from civil society all offer plausible explanations for the strong ‘Yes, Yes’ vote in the 1997 referendum. Process tracing requires the researcher to produce a detailed reconstruction of the case under investigation in order to test whether a plausible mechanism was actually present in the evidence. The approach is

particularly appropriate for this type of research because it mobilises multiple observations to reach fine-grained assessments about the presence of a specific causal process. (Hall 2006: 30) Arguments about path dependence also require that one evaluate sequences of events over time, not just correlations of different variables. As Pierson describes, it is necessary to produce a highly contextualized account to do justice to the multiple lines of causation that intersect during moments of change.

“What is too easily dismissed as “context” may in fact be absolutely crucial to understanding important social processes. Too often contemporary social science simply drops out a huge range of crucial factors and processes, either because our methods and theories make it difficult to incorporate them, or because they simply lead us not to see them in the first place” (Pierson 2004: 169).

One obvious example of the complexity of the settings in which actors operate is the issue of unintended consequences. People often make mistakes and institutions may not function in the way they were designed (Pierson and Skocpol 2002: 709).

In applying the process tracing method, this dissertation seeks to test existing theories about the achievement of a Scottish Parliament and evaluate the significance of agency. The thesis sets out to trace Donald Dewar’s influence in the causal mechanisms that connect different stages of the political processes that led up to the new constitutional settlement. As I will discuss in the next part of this chapter, the research has used documentary evidence, interviews and secondary sources such as published memoirs to create a detailed reconstruction of the critical junctures in the devolution debate. The thesis assesses multiple paths of institutional reform in a way that is sensitive to issues of timing and sequence, highlighting the manner in which

political processes are shaped by the consequences of past decisions and institutional legacies. In most cases no one causal mechanism is sufficient for explaining an outcome, but because significant long-term effects often occur as a by-product of the original intention, functionalist explanations for change must be subjected to detailed scrutiny.

V. Research Sources

This section explores the relationship between the method of process tracing, case study research and data collection. As I have discussed, process tracing requires large amounts of data, ideally from a wide range of sources (George & Bennet 2005; Tansey 2007). This dissertation makes an original contribution to knowledge in that it presents new empirical evidence about some of the key developments in the political processes that led to the creation of Scottish Parliament. The most significant new source of information I have used for this research is the record of the monthly meetings of the Parliamentary Labour Party: Scottish Group and the weekly meetings of the Executive Committee of the Parliamentary Labour Party: Scottish Group, from 1983 to 1997. I have also studied other documentary sources, such as newspaper reports, personal memoirs and official records of parliamentary proceedings and conducted interviews with elite actors who participated in the political processes under investigation. My objective has been to try and see the world as it seemed to those who were there at the time. How did individual actors understand the issues that confronted them? Why did they adopt certain strategies? How did they weigh the significance of different factors? In this section I will discuss the strengths and weaknesses of these data gathering techniques.

Documents

This thesis has sought to reconstruct the past and connect the different stages of the political process using documentary evidence from a variety of sources including official records, newspapers, interview transcripts and published memoirs. It is the traditional method of the historian to seek out records, which enable the reconstruction of the past (Gottschalk et al 1945: 8). But documents can also be a rich source of data for social scientists. I am conscious that in addition to written sources, which I will go on to discuss in detail, film and videotape constitute an important record of events. Television broadcasts can provide the researcher with a different perspective. For example, Henry McLeish's discomfort in Parliamentary debates was more often revealed by his nervous tic than the transcript in the Official Report. BBC Scotland keeps a comprehensive archive of television news bulletins and political programmes going back to the mid 1980s.

Although I have made some use of interview transcripts, I have not studied videotape in a systematic way for this research. This is partly because it is very time consuming to spool through tapes looking for a relevant news report or interview that may last less than two minutes. Television news also contains much less detailed information than print. Television reporters speak at an average of 180 words a minute, which means that a news report will often contain little more than 300 words. In contrast, a page lead in a broadsheet newspaper is generally around 600 words and a longer analysis piece could be over 1,000 words. Even this has shrunk from a decade ago when newspapers generally contained fewer photographs and more densely written

copy. It was once common for a page lead in a paper like *The Herald* to be over 800 words.²⁹ This dissertation uses documents primarily as a source of information for ‘thick’ description of the crucial moments in the debate about devolution. With limited time and resources, I concluded that newspapers were therefore a more accessible and rewarding source of data than broadcast journalism.

John Scott identifies four criteria against which documentary evidence should be assessed: authenticity, credibility, representativeness and meaning (Scott 1990: 6). Is the evidence what it purports to be? Cases like the Zinoviev letter and the Hitler diaries are rare, but the researcher must be sure of the document’s authenticity. Is the evidence free from error and distortion? It is important to ask who wrote the document and for what purpose. Is the document representative of the universe of documents as they originally existed? If material is missing there could be a pattern to it, which would encourage an alternative interpretation of events. What does the document actually say and how should we interpret it? Even documents intended as objective statements of fact are socially produced. For example, a civil servant taking a minute of an official meeting will do so according to a commonly accepted set of principles or guidelines. If the researcher does not understand these conventions he or she may misinterpret the meaning of the document. These standards provided me with a framework for documentary analysis. In this section I will discuss the main documentary sources for this thesis in more detail:

The Labour Party

²⁹ Herald Political Editor, Brian Currie, interview 16 February 2011 (Edinburgh)

The most significant new source of information I have used for this dissertation is the record of the monthly meetings of the Parliamentary Labour Party: Scottish Group and the weekly meetings of the Executive Committee of the Parliamentary Labour Party: Scottish Group, from 1983 to 1997. During a series of visits to the Labour Party Committee Rooms at Westminster, I was allowed to take extensive notes and make photocopies of those documents I considered most relevant to the debate about a Scottish Parliament. I made my initial approach to see the minutes with a telephone call to the office of the Parliamentary Labour Party. The primary purpose of this call was to identify the appropriate person to seek permission from. I then followed up my request with an email stressing that I was doing a PhD and engaged in legitimate academic research. This received a positive response.

These minutes are private documents compiled for MPs and their staff, which provide a factual record of the subjects discussed in the formal setting of Group meetings. They therefore offer researchers an important insight into the internal debate of the Scottish Parliamentary Labour Party. The minutes were produced for the benefit of MPs and their staff. However, it should be acknowledged that the possibility of the documents leaking gave the member of staff compiling the minutes a motive to omit details from the record that might be potentially embarrassing. This made a material difference to the quality of the information that they contain. The account prepared by Alan Haworth at his first meeting as the Group's new Clerk illustrates this point. Haworth's original minute records the exasperation of Scottish MPs at comments made by George Galloway, then Chairman of the Scottish Labour Party:

"Mr (Hugh) Brown said that he was extremely concerned and exasperated that George Galloway should be appearing to promise that the Scottish PLP group would

after the next election engage in disruptive tactics in Parliament – in the event of the general election being lost. He asked whether the Scottish Executive had given authority to Mr Galloway to make such a promise on behalf of members.

The chairman replied that no such authority had been given.

Mr Brown said in that case he hoped that the matter would be raised at the next meeting of the Scottish Executive – with a view to Mr Galloway receiving a reprimand.

A considerable discussion took place, during which many Members expressed their concern about the statement which had been made, and indicated that they shared Mr Brown's exasperation. The general tenor of the discussion was, however, that it would be unwise to make too much of the issue, by either seeking to have the question raised again at the Scottish Executive, or by discussing the matter within the Executive Committee of the Group.

Mr Millan said that he hoped that all members would stick to the line that any speculation about what would happen in Parliament in the event of Labour losing the general election, whilst winning in Scotland, was strictly hypothetical – and that Labour was going to win the general election.”³⁰

This first account was scored out, but not removed from the file that I was allowed to see. Haworth's handwritten note says “original draft withdrawn on advice and request of chairman”. The minute that replaced it, which was officially agreed and circulated among MPs, is much less detailed and makes no mention of Hugh Brown's demand

³⁰ Minute 51, Scottish Parliamentary Group meeting, 12 April 1983 (Original version, changed at the request of the Chairman)

that George Galloway should be reprimanded. In fact, Galloway's role in the dispute is omitted from the new record altogether:

“Mr Hugh Brown raised the question of recent press statements, and press comment concerning the tactics which might be adopted by Scottish Labour MPs in the event of a Tory General Election victory. He also asked that there should be a regular report made to the Group on proceedings at the Scottish Executive.

A considerable discussion took place, during which several Members, expressed their concern about the press statements and comment.

Following a further discussion, Mr Millan said that he hoped that all Members would stick to the line that any speculation about what would happen in Parliament in the event of Labour losing the general election was strictly hypothetical – and that Labour was going to win the general election”³¹

The difference between these two accounts shows us the limitations of political documents as a means for understanding the political process. The official record has effectively been censored in order to avoid any potential embarrassment to the Labour Party should it leak into the public domain. The consequence of this, for historians and political scientists, is that while the minutes provide a very useful insight into the internal debate among MPs they can provide only a partial account of the policy process. I dealt with this problem by cross-referencing the information in the minutes with other documents, such as newspaper reports, and interviews with the actors who were involved in the processes under investigation.

³¹ Minute 51, Scottish Parliamentary Group meeting, 12 April 1983

Government Records

The state was also a potentially important source of documentary evidence for this dissertation, particularly regarding the production of the White Paper, *Scotland's Parliament*. Most of the hard bargaining over the legislation took place inside the Government between ministers and officials. There were no significant amendments to the legislation from opposition MPs when it was debated in Parliament. However, most government papers are subject to the 'thirty year rule', which means that for now they are inaccessible. The White Paper on devolution was considered and debated in the Cabinet Sub-Committee on Devolution to Scotland, Wales and the Regions (DSWR). My efforts were ultimately unsuccessful, but this research project broke new ground in its use of the Freedom of Information Act to gather data.

The Freedom of Information Act was passed by the Labour Government and came into force on 1 January 2005. It is therefore a relatively new potential source of information for researchers. None of the academic texts I have read on research methodology contain chapters on it. There is therefore some value to describing my experience in detail, which I will do in a separate section in the appendix to this thesis. The Cabinet Office rejected my written request to see the minutes of DSWR stating that the information fell within the exemptions provided by the Act relating to the formulation of policy and communications between ministers. They argued that the public interest in maintaining those exemptions outweighed the public interest in the disclosure of the information.

I asked for an internal review of this decision and then submitted a formal complaint to the Information Commissioner. My letter emphasised the time that had passed since the committee met and the public interest in openness and transparency. The Commissioner took over three years to consider the case, but eventually ruled in my favour. The decision notice said that the Commissioner, “rejects the blanket approach taken by the Cabinet Office which is that disclosure of the minutes, regardless of content is not in the public interest as it would undermine the convention of collective responsibility.”³² However, the Justice Secretary Jack Straw signed a certificate under Section 53(2) of the Freedom of Information Act, which gives him an effective veto on the disclosure of information. This is only the second time this power has been exercised since the Act came into force in 2005 and it was reported in the national press. The previous decision related to the minutes of the Cabinet meeting that led to the war against Iraq.

Although my attempt to see the minutes of DSWR was unsuccessful, some of the documents published in evidence to Lord Fraser’s inquiry into the Holyrood building project provide a valuable insight into the preparations that were made by the Scottish Office for the election of a Labour Government. This thesis also makes use of other official documents, such as *Hansard*. For example, the official report of parliamentary debates on the Scotland Act was a useful guide to the issues and controversies that most exercised MPs. However, it should be acknowledged that there are problems with the credibility of *Hansard*. This is illustrated by an exchange involving Alistair Darling during his tenure as Scottish Secretary. He came under a barrage of criticism for referring to the Scottish Parliament as an “assembly” during his first outing at

³² Information Commissioner, Decision Notice, 23 June 2009, Paragraph 33

Scottish Questions. His embarrassing gaffe was corrected in the official report, which read “parliament in Holyrood”. The Speaker Michael Martin said that it was normal practice for *Hansard* to correct “obvious mistakes” and he added “this is what happened on this occasion.”³³

Newspapers

I studied newspaper reports both as a straightforward source of information and because they form an important part of the political context that this research is concerned with understanding (McCrone 2001: 44). The distinctiveness of Scotland within the United Kingdom is both reflected in and reinforced by the fact that there are specifically Scottish newspapers (Denver et al 2000: 78). These include purely Scottish titles such as *The Scotsman*, *The Herald* and the *Daily Record* and others like the *Sun* and the *Express*, which are Scottish versions of British papers. The task of researching newspaper cuttings has been made much easier by digital archiving and searchable databases, such as Lexis Nexis. For example, a keyword search on ‘Dewar’ and ‘Referendum’ returns over 3,000 results. Lexis Nexis is less reliable for articles published before the 1990s. I therefore conducted a survey of *The Herald* from 1983 to 1992, which is available on microfiche at Glasgow’s Mitchell Library. Perhaps because of its West of Scotland bias, *The Herald* is the most popular newspaper among Labour MPs and MSPs. I also accessed copies of the left-nationalist periodical *Radical Scotland* in the Norman Buchan archive at Caledonian University.

³³ *The Scotsman* 26 June 2003

Journalists are privileged observers of the political process, with a perspective that is often very well informed (Bechhofer & Paterson, 2000: 134-149). However, the credibility and accuracy of newspaper reports is frequently an issue. Correspondents working to tight deadlines may not be able to check their stories properly and they can occasionally be influenced in what they write by politicians and ‘spin doctors’. As Scott points out, “politicians may pass on false information to journalists, intending to promote their own careers, to defend their interests or simply to dramatise the events in which they are involved” (Scott 1990: 145). Sometimes, reports can also be influenced by a newspaper’s editorial policy. For example, the *Daily Record* supports the Labour Party. During the 1999 Scottish election campaign it used a week-old photograph of Sean Connery snarling at a photographer alongside the headline “You’ve seen the polls then Sean!”³⁴ The paper deliberately misled readers by linking two events that were totally unconnected. This report was also the subject of a complaint to the Press Complaints Commission alleging that the photographer had harassed Connery. This example shows that it is sound practice to check things from more than one angle.

Political Memoirs

Few senior politicians now fail to produce a memoir of their political career. As this thesis has progressed, important political actors including Tony Blair, Alastair Campbell and Derry Irvine have published personal memoirs, diaries or accounts of their achievements in Government. Scottish politicians and activists like Dennis Canavan, Kenyon Wright and Henry McLeish have also rushed into print. Political

³⁴ *Daily Record* 23 April 1999

memoirs can provide a valuable source of evidence and an inside account of events, but there is considerable disagreement about their usefulness and reliability (Gamble 1994: 35; Bryman 2001: 372). Dobel points out that, “While administrations leave a variety of artifacts such as memos, laws, scandals, and policy successes and failures, historically some of the most intriguing artifacts are officials’ political memoirs: they can reveal the depth, honour and gravity of daily political life and strife as well as its absurdity, conflict and heartlessness” (Dobel 2003: 16-17). Autobiographies can also be highly selective and self-serving exercises in reputation building. The wartime Secretary of State Tom Johnston – in his own memoirs – gives a pithy description of the dangers associated with this literature:

“An autobiography is usually, if not always, a vanity; episodes and incidents, perhaps unimportant to everyone but the chronicler, are paraded, the more especially should they flatter his self-esteem, while struggles in which he was worsted or played a more or less humiliating part, are trimmed in the telling, if told they be at all” (Johnston 1952: 7)

The autobiography is the most common kind of memoir. Gamble comments that autobiographical memoirs, “tend to impose a narrative structure onto the past which selects and orders facts and experiences in such a way that the politicians thoughts and actions are rendered coherent and if possible consistent (no easy matter in some cases)” (Gamble 2002: 145) Some are intended to be authoritative documents with intellectual and moral weight, produced with the aid of research assistants and access to official papers. Margaret Thatcher’s autobiography, for example, was intended to offer a detailed account of the main events of her time in Government. This type of

serious well-researched memoir provides a useful resource for political scientists, particularly when it can be compared against other accounts.

In contrast, Tony Blair's autobiography is breezy and informal. He claims that he "wrote out each word on hundreds of notepads; refusing all phone calls, meetings and other welcome distractions from the creative process" (Blair 2010: ix). The result is a book that mixes the personal and political. Blair lifts the curtain on the shadowy world of gossip, intrigue and political backstabbing within New Labour. But the lack of detail about policy in his account is frustrating. It is almost 700 pages long, but devolution and the Scottish Parliament get just nine entries in the index. Sierra Leone gets sixteen. Gordon Brown's first post election effort is an analysis of the financial crisis that dominated his time in Downing Street, rather than a conventional memoir (Brown 2010). As a result, we are still waiting for an authoritative account of the creation of the Scottish Parliament from somebody who was absolutely at the centre of events. Political actors like Dennis Canavan and Kenyon Wright offer revealing insights into the events in which they were involved, but their value is limited because they were rarely centre-stage.

Diaries published by public figures must be treated with the same caution as autobiographies. Some, like those of Richard Crossman and Tony Benn, are intended from the outset for publication and serve a political purpose. But diaries are arguably of greater value to political scientists because they are contemporary with the events that they describe (Gamble 1994: 36). Alastair Campbell, for example, says that while working as Tony Blair's press secretary he kept a diary as a conscious decision to record events as closely as he could, "I kept a diary every day I was there, usually,

though not always, recorded on the same day, never more than a day or two behind” (Campbell 2007: xiii) Campbell’s account is both highly subjective and coloured by the mood swings of its author, but it is also a genuine attempt to set down how things appeared to him at the moment of writing. He offers a fascinating insight into Tony Blair’s style of leadership and interesting detail on his decision to go for a pre-legislative referendum on devolution. However, Campbell’s main preoccupations are rows with the media and spats within New Labour. Perhaps because of the time involved, politicians produce more memoirs than diaries and no Scottish MP has published a diary. Personal documents have therefore been an important but limited resource for this study.

Interviews

The problems of authenticity, credibility, representativeness and meaning are such that nothing can be taken for granted in documentary research (Macdonald 2008: 299) It is clear that documents can offer only a partial understanding of the political processes that led to Scottish devolution. For example, the ‘informal rules of the game’ are unlikely to be written down in official documents (George & Bennett 2005: 102-103). The use of multiple methods, or triangulation, can add rigour to the findings by pointing to a consensus about how those involved interpreted events. (Denzin & Lincoln 1994: 2) I have therefore sought to complement this part of my research by interviewing those actors who were involved in the political processes. Interviews provide a way of corroborating documentary evidence and compensating for its limitations. As Lilleker points out, “We can learn more about the inner workings of the political process, the machinations between influential actors and how a sequence

of events was viewed and responded to within the political machine” (Lilleker 2003: 208).

For this dissertation, I conducted a series of semi-structured elite interviews with politicians, and other actors. A full list of interviewees is attached in the appendix, including those spoken to as part of a BBC Radio Scotland documentary about Donald Dewar’s role in the achievement of devolution. The interviewees were selected on the basis that they are identified in the media, in other published accounts, or by other actors as having been involved in the political processes that this research is intended to understand. My objective was to speak with the most important political actors in the events being studied. As Tansey describes:

“the goal of process tracing is to obtain information about well-defined and specific events and processes, and the most appropriate sampling procedures are those that identify the key political actors – those who have had the most involvement with the processes of interest. The aim is not to draw a representative sample of a larger population of political actors that can be used to make generalizations about the full population, but to draw a sample that includes the most important political actors who have participated in the events being studied” (Tansey 2007 765).

In most cases I approached interviewees by email, explaining who I was, the research that I was undertaking and the question areas that I wanted to ask about. However, my professional roles as a journalist and as an employee of the Labour Party meant that I had regular contact with politicians and sometimes the initial approach was made in person. Most of the interviews lasted around 60 minutes. I recorded them on a mini-disc and transcribed them myself. My normal practice was to send the interviewee a

copy of the transcript to give them an opportunity to correct points of fact. It was also agreed with interviewees that they should tell me if they didn't want a particular comment or piece of information to be used. In two cases, the individuals I approached preferred to answer my questions in writing, rather than in an interview. The thesis did not raise significant ethical issues, partly because it was dealing with elite actors. However, in some cases I did have to be aware of the potential consequences of my actions. For example when dealing with civil servants who would not normally make public comments, I agreed not to identify my interviewees by name. I believe that this was a necessary confidence-building measure.

Speaking with those who were directly involved in the creation of the Scottish Parliament has been very useful in helping me to develop a richer understanding of how those involved understood the political context in which they operated. The emphasis was on grasping how the interviewees perceived issues and events (Fontana & Frey 1994: 367). The interviews were semi-structured in that I prepared a list of questions in advance. However, respondents were given a lot of leeway in how to reply and I often asked questions that were not included in the original schedule as the interviews progressed. I believe that this was the most appropriate strategy because it meant that I began the interview with a clear focus on the research questions. In addition to interviews specifically conducted for this thesis, I have also studied the transcripts of interviews conducted by myself or other BBC journalists with political actors. Although these interviews were conducted under different conditions, they also provide insights into some of the key debates about devolution and the views of those who were involved. The main problem with elite interviews is interpreting the data. Respondents often have very different perceptions of what the facts are and

often, quite naturally, present a version of events that amplifies their own importance and rewrites history in a more palatable form (Lilleker 2003: 211). I tried to overcome this by interviewing witnesses with a variety of different perspectives, but there is always a danger of being misled or influenced by one particular viewpoint. Data collected from interviews, like documentary evidence, must therefore be cross-referenced and subjected to rigorous scrutiny.

The use of multiple research methods does not enable researchers to claim that their findings are valid in the sense that they represent an objective reality. Divergence between documentary evidence and what people say may reflect different and legitimate constructions of reality (Bechhoffer & Paterson 2000: 58; Blaikie 2001: 266). Someone going filling in a form for immigration officials at an airport might identify themselves as British. In a more informal setting, such as an interview, they might be more likely to identify themselves as Welsh or Scots. This shows that the use of different research methodologies can itself lead the researcher to different conclusions. The discrepancy between the answers is not necessarily a problem, but can be a revealing piece of information in its own right.

VI. Conclusion

This chapter has set out the theoretical approach that underpins the research and how this has guided the research methodology. The debate between structure and agency sets a context for the decision-making processes this research seeks to understand. How much autonomy do we believe actors have to realise their intentions in the settings in which they find themselves? The existing literature on the setting up of the

Scottish Parliament has a tendency to write out the contributions of individual actors. As I described in the previous chapter, the growing strength and ultimate success of the home rule movement is explained in terms of structural changes in Scottish society such as the desire for better policy outcomes, the politicisation of national identity and the aspirations of civil society for 'new politics'. This thesis takes a different approach in that the information is marshalled in respect of a single individual actor and explicitly focuses on the interplay between agents and institutions. Devolution was a major change in UK politics and I tell the story in a new way. My objective has been to identify the critical junctures in the historical sequence that led to the establishment of the Scottish Parliament and trace the influence of Donald Dewar.

The research is informed by a historical institutionalist rationale and builds on existing insights in the new institutionalist literature. One of the themes of this research is that political change must be analysed as both an exogenous and an endogenous process. Institutions are the arenas in which actors engage with new ideas and set policy goals (Blyth 2002: 8). They are the level at which most individual actors confront structural constraints and scenes of ongoing political skirmishing. This thesis therefore puts a central focus on understanding the inner life of the institutions in which policy on devolution was made. Understanding new innovations and departures requires the researcher to build a rich and detailed picture of the circumstances in which actors form preferences and build coalitions. The dissertation addresses this challenge by adopting a multi-method approach that is both qualitative and historical. The Scottish Constitutional Convention and the Scottish Office were important institutional settings, but the most important of these is the Labour Party.

As this chapter has discussed, the dissertation makes an original contribution to knowledge in that it presents new empirical evidence and challenges existing assumptions about some of the key developments in the debate about a Scottish Parliament. But it is also intended to make a contribution to the wider theoretical debate on the importance of agents and institutions in shaping political change. One remarkable feature of this story is that Donald Dewar was arguably the most important individual actor at both the beginning and the end of the sequence. He became Shadow Scottish Secretary in 1983 and saw it through to its conclusion in Government 15 years later. This meant that he actually helped to create the structural and institutional constraints that guided his own future actions. The four nested case studies presented in this thesis provide a detailed narrative that connect the different stages of this political process and enable us to identify causal factors. The following chapters turn to the empirical work of the thesis, setting the context for the transformation that took place in the Labour Party's attitude towards a Scottish Parliament in the 1980s and 1990s.

3

THE LABOUR PARTY'S GREEN PAPER ON DEVOLUTION

I. Introduction

This chapter focuses on the authorship of the Labour Party's Green Paper on Devolution, which was published in September 1984.³⁵ It is the first of four nested case studies, which form the spine of the dissertation and connect the political processes that led up to the establishment of the Scottish Parliament. The Green Paper itself is now largely forgotten. When I interviewed Murray Elder, who was the Scottish Labour Party researcher who helped to write the document, he said that he had not seen or heard of it for a long time.³⁶ The details of the scheme that it proposed acted as an important foundation for later debates in the Scottish Constitutional Convention. But the document's greater significance was that it helped to change the rationale used to advance the case for a Scottish Assembly. Other authors, such as McEwen, have noted that, "After the re-election of the Conservative Government in 1983, Labour in Scotland increasingly regarded devolution as a means of resisting Thatcherism" (McEwen 2004: 164). This thesis contends that Donald Dewar used the opportunity of writing and promoting the Green Paper to help frame the argument in this way.

³⁵ Labour Party (Scottish Parliamentary Group) (1984) *Labour's Green Paper on Devolution: A Consultative Document*

³⁶ Murray Elder, interview 22 January 2007 (London)

As I described in the previous chapter, as part of the institutional 'turn' in political science a number of scholars have stressed the role of ideas in shaping policy making (Blyth 2002; Bleich 2002; Berman 2001; Cox 2001; Hall 1993). These writers have explored how politicians and other actors, like the media, construct problems and preferred solutions. One of the ways in which agents promote reform is by framing issues in ways that generate support for change. Labour's commitment to home rule consisted of specific and detailed proposals, but what gave them meaning was their connection to a set of values. In the 1970s, Labour adopted devolution as a panic measure to stop the electoral advance of the SNP. The party never fully shook-off the fear that it would threaten Scotland's prosperity, which was perceived as being tied-up with centralised planning on a UK basis (Wood 1989). The Green Paper helped to create a powerful new narrative that fitted with Labour's core beliefs by stressing the ways in which a Scottish Assembly would protect Scotland from the policies of the Conservative Government.

This chapter analyses Donald Dewar's role as the author of the Green Paper and the way in which he navigated between different factions and interest groups in the Labour Party to create a consensus. The Green Paper was an exercise in coalition building with the purpose of bringing the party together around the idea of devolution. Although Scottish civil society and most rank and file Labour members were uniting behind the idea of a Scottish Assembly, a significant minority of Labour MPs and party members remained deeply sceptical about the merits of the policy. Keeping people together was therefore a serious challenge. Dewar's autonomy over Scottish policy also depended on his relationships with the UK leader, other cabinet colleagues and MPs from England and Wales. In order to properly understand the context in

which he acted and how his actions made a difference to the outcome I have attempted to gather information from a wide range of sources, including new documentary evidence and interviews, to provide a rich and detailed account of the political process. The empirical work of this chapter challenges some of the existing assumptions in the academic literature, most notably the role of the SNP as a driver of constitutional change.

II. The Significance of the Green Paper

A Green Paper is a formal consultation document issued by the Government, or an opposition party, that contains policy proposals for debate and discussion. The Labour Party's Green Paper on devolution was published in September 1984. The connection it made between devolution and left-wing politics was not in itself new. Nearly ten years earlier the *Red Paper on Scotland*, edited by the 24-year-old student Rector of Edinburgh University Gordon Brown, had been published in an air of excitement and optimism (Brown 1975). Neil Ascherson comments that, "The contributors struck diverse and contradictory attitudes. But a single message stayed on the retina as the flash faded. Devolution can lead to socialism, or - put cautiously - constitutional change can lead to social justice."³⁷ Tom Nairn's landmark book *The Break-up of Britain* was also very influential in its contention that the British state was anachronistic and nationalism could be a force for progress (Nairn 1977). These arguments challenged the centralist views of the Scottish Labour establishment, but they never fully penetrated the culture of the party in the 1970s.

³⁷ Neil Ascherson, "Life on the anti-eurodiluvian Left", *The Observer*, 5 November 2000

The Green Paper did not carry the same intellectual weight as the *Red Paper on Scotland*, but it was arguably more significant because it represented the official view of the Shadow Secretary of State and the Scottish Parliamentary Labour Group. Printed on the front page was an image of Edinburgh's Royal High School, which would have been the site of the new legislature created by the Scotland Act 1978. The main text was just eleven pages long and it contained a five-page appendix setting out the powers of the proposed Scottish Assembly. The most quoted section was its passionate assertion that devolution could have saved Scotland from the worst excesses of Thatcherism:

“Even the most confirmed sceptic must have been shaken by what has happened in Scotland since 1979. There have been a series of deeply damaging and divisive policies forced on the country by the present Government. For many people in Scotland living standards have fallen, with savage rent and rate increases, and lost opportunities in housing, health and education. There has been a serious loss of civil liberties. Hardest of all, has been the ever-worsening employment situation. Much of this could have been avoided if policy had been controlled by an Assembly which fairly reflected opinion in Scotland. Many of the policies affecting the people of Scotland have been imposed by Scottish legislation or Scottish Office decisions. They have often been opposed by the majority of Scotland's Parliamentary representatives but nevertheless have been forced through the House of Commons because of the Government's overall majority. This situation has fuelled understandable resentment.”³⁸

³⁸ Labour Party (Scottish Parliamentary Group) (1984) *Labour's Green Paper on Devolution: A Consultative Document*, p3

The use of phrases like “forced on the country” shows how Labour was now prepared to use nationalist language, but more significantly self-government was being redefined as a way of stopping Thatcherism at the border.

“An Assembly would not have been obsessed with privatisation of the Health Service, or the insensitive drive to encourage privileged education, and it certainly would not have attacked local democracy as the present administration has done in a way that has destroyed the trust that ought to exist between Local and Central Government. For too long, we have seen a Secretary of State pushing a legislative programme through the House which carries little, or no, popular support. It is a recipe for tension and as bad for the United Kingdom as it is for Scotland.”³⁹

Murray Elder, who worked closely with Donald Dewar on the Green Paper, says that the strong political message was part of a deliberate strategy to shift opinion in the party towards devolution. His remit was to produce a political document that would make the practical benefit of devolution absolutely clear: “What was needed was a strong political message as to what the benefits of the devolved parliament would be for Scotland. And that was what we tried to do, to give the party and the movement something to campaign around... You had to make absolutely clear what the real practical benefit would be and it had to be written up in headlines.”⁴⁰ From a Labour perspective, the practical benefit of devolution was that it offered a way to prevent Margaret Thatcher from implementing Conservative policies in Scotland.

³⁹ Labour Party (Scottish Parliamentary Group) (1984) *Labour's Green Paper on Devolution: A Consultative Document*, p3

⁴⁰ Murray Elder, interview 22 January 2007 (London)

The Green Paper was also important as a reference point for future debates on the details of devolution. It proposed that a Scottish Assembly would have responsibility for health, education, housing, local government, transport, agriculture and land use, forestry, fishing, tourism, law, and large areas of Scottish economic and financial life. This reflected the existing powers and responsibilities of the Scottish Secretary and the legislation introduced by the Callaghan Government. However, the Green Paper went further by also including responsibility for the universities and police on the revised list of powers. More significantly, it also suggested that the Assembly should have the ability to vary the rate of income tax:

“It is intended that the Assembly will have powers to raise funds, for its own use, through a devolved income tax system. The Assembly would receive from Central Government a block grant, which would be calculated on a formula which takes account of the particular needs of Scotland, and which would be negotiated between the Assembly and the United Kingdom Parliament. In addition, the Assembly will have the power to vary the basic rate of income tax levied on those living in Scotland, to allow a measure of flexibility in the provision of services, where this is considered appropriate.”⁴¹

Despite a decade of debate in the Scottish Constitutional Convention this proposal was virtually unchanged in the final legislation, which gave the Scottish Parliament the right to vary the rate of income tax up or down by 3p. The only significant changes in the final scheme implemented by Donald Dewar as Scottish Secretary are the adoption of the reserved powers model and the inclusion of a proportional

⁴¹ Labour Party (Scottish Parliamentary Group) (1984) *Labour's Green Paper on Devolution: A Consultative Document* (Glasgow)

electoral system. In the next section I will set out the background to the Labour Party's position on the constitution.

III. Scottish Labour and Nationalism

It is worth describing the Labour Party's relationship with the constitutional question in some detail as the legacy of these earlier campaigns forms part of the context for the debate about devolution in the 1980s and 1990s. The Scottish Labour Party has a home rule tradition that goes back to the late nineteenth century, when the party inherited the Liberal Party's commitment to a Scottish Parliament along with many of its Scottish voters (Drucker 1978: 10). The Labour Party's founder and first MP, Keir Hardie, was also Vice President of the Scottish Home Rule Association. He believed that Scotland was a more fruitful ground for radicalism than England and it should not be held back (McLean 1990a). This commitment continued into the first decades of the twentieth century. The Clydesiders saw a Scottish Parliament as an integral part of the struggle for socialism and held their own Bannockburn commemoration ceremonies.

In his 1918 election address, James Maxton, who went on to lead the Independent Labour Party, asserted that Ireland had fully established its claim to self-determination and "Scotland must also receive full control of Scottish affairs through a democratically elected Scottish Parliament."⁴² George Buchanan, another ILP man who represented Glasgow's Gorbals division, brought forward a Parliamentary Bill for home rule in 1924. It had the support of a majority of Scottish MPs including the

⁴² James Maxton, Labour candidate for Bridgeton, 1918 Election Address

Prime Minister, Ramsay MacDonald, but was talked out at its second reading. The Rev. James Barr tried again in 1927 and also failed. From the mid-1920s onwards, Labour's commitment to self-government receded as recession caused doubts about Scotland's economic self-sufficiency and the party renewed its focus on UK electoral success (McEwen 2004: 161).

Despite the Labour Party's commitment to a Scottish Parliament, its own structures were heavily centralised. The 1918 constitution established regional tiers of organisation, but they had no authority over policy (Laffin et al 2004). Organisational priorities were also decided centrally. A request from the 1917 Scottish Labour Conference for the right to endorse its own candidates was turned down (Harvie 1989: 24). The disaffiliation of the Independent Labour Party, which had a strong home rule tradition, from the Labour Party in 1932 was another step in the consolidation of power at the centre. Scotland had its own Trade Union Congress, but most major unions were organised on a UK basis. Scottish Labour's status as an integral part of the British Labour movement was a unifying force that encouraged the Scottish working class to identify with their fellow workers in England and Wales.

In the 1945 general election, 23 of the 37 successful candidates in Scotland expressed support for a Scottish Parliament in their local election addresses. However, the absence of home rule from the manifesto was an indication that the policy was not seen as a priority (McLean 1990b: 3). At the first post-war Scottish conference, held in Musselburgh in October 1945, an amendment from Kirkcaldy Divisional (Constituency) Labour Party calling on the new Government to act quickly to legislate on Labour's pre-war home rule pledges was defeated by 113 votes to 5 (McLean

1990b: 3). Although the party retained its formal support for home rule until 1958, most members regarded it as a peripheral issue (Brand 1978: 56). The common view in the Labour Party in the post-war years was that changing the constitution would not make a meaningful contribution to achieving socialist goals. The growth of the welfare state and the ideological legacy of centralised wartime planning tied Scotland more closely into the rest of the UK.

Winnie Ewing's success for the SNP in the November 1967 Hamilton by-election forced home rule back onto the British government agenda. She overturned a Labour majority of 16,000. The glamorous Glasgow solicitor was a striking contrast to the Secretary of State, Willie Ross, who was the public face of Labour in Scotland. He was a dour ex-schoolmaster and Kirk elder given to quoting the bible in his speeches (Wood 1989: 103). Willie Ross, along with most Scottish MPs, detested the idea of devolution (Crossman 1967: 594). Jim Sillars, who was the full-time agent for the Labour Party in Ayr, echoed this strand of opinion in an anti-devolution polemic *Don't Butcher Scotland's Future*, published in 1968, which warned against the consequences of separating the closely integrated economies of Scotland and England.⁴³ Looking back, he comments that, "at that time I probably still believed that we couldnae stand on our own feet, because that was the fairly normal acceptance that Scotland was a heavily subsidised place and that was it."⁴⁴

After Sillars was elected as an MP, he changed his mind and became one of the strongest advocates in the Labour Party for devolution. Many others who saw

⁴³ Alex Eadie and Jim Sillars "Don't Butcher Scotland's Future: the case for reform at all levels of government" (published privately, 1968).

⁴⁴ Jim Sillars, interview 14 May 2009 (Edinburgh)

themselves as being on the left held firm in their opposition to a Scottish Parliament. For example, the future Foreign Secretary Robin Cook wrote in the *Red Paper on Scotland* that devolution was irrelevant to the needs of the working class:

“The idea that if only Mick McGahey and Sir Hugh Fraser could be persuaded to lie down together like good Scots in a Scottish assembly, a patriotic solution to our housing problems would somehow emerge is a delusion. Nationalism is only a romantic escape from the blunt truth that only a major re-ordering of the priorities of our society will provide a decent environment for every citizen within the foreseeable future” (Cook 1975: 343).

Malcolm Chisholm, then a left-wing activist in Edinburgh and later to become a Labour MSP, says that he too opposed a Scottish Parliament: “There was a complete antipathy to nationalism. We thought the big battle was between socialism and nationalism and devolution was a diversion from the real issues.”⁴⁵ The idea that devolution was somehow a betrayal of the Scottish working class resonated deeply within the party.

IV. The Devolution Years

The political commentator Andrew Marr describes the 1970s as the ‘devolution years’. He argues that the strongest pressure on the Scottish Labour Party, and the Scottish Conservatives, to accept a Scottish Assembly came from their own leadership in London. It was a policy born out of weakness, designed to stop the SNP bandwagon:

⁴⁵ Malcolm Chisholm, interview 26 March 2009 (Edinburgh)

“To understand the 1970s in Scotland it is necessary first to remember that devolution was mostly cooked up in London by busy politicians with only one eye on the pot. People began to talk about the break up of Britain for the first time since the Irish crisis of the 1920s. But it was the metropolitan establishment, not the Scots, who seemed the less committed to the status quo. And it was the Tory Unionists in Glasgow, and the Labour Party's Scottish Leadership, who were outraged to discover that home rule for their country was back on the agenda” (Marr 1992: 121).

Harold Wilson and Ted Heath were panicked by the SNP's election floodtide. The party had gradually been gathering support. In 1962, SNP Chairman William Wolfe came second in the West Lothian by-election with 23 per cent of the vote. Under his leadership the party became more professional and expanded rapidly. In 1966, the SNP National Executive recognised 113 new branches of the party and in that year's general election they fielded 23 candidates of whom 16 kept their deposits (Brand 1978: 261). In 1967 Winnie Ewing made the big breakthrough by winning Hamilton. Her success was followed-up in the following year's local government elections, when the SNP outpolled all the other parties with 34 per cent of the vote (Knox, 1999: 300). In the four years from 1966 to 1970, membership of the SNP soared from 2,000 to 30,000 (Denver et al 2000: 10).

In 1968, Ted Heath, then the Leader of the Opposition made his famous ‘Declaration of Perth’, promising that devolution was firmly on the Conservative Party's agenda (Seawright 2008: 44). A few months later, in April 1969, Wilson established a Royal Commission on the constitution. Tam Dalyell claims in his anti-devolution polemic *Devolution: The End of Britain?* that it was set up without the Scottish Secretary

Willie Ross even being consulted (Dalyell 1977). The Labour Party in Scotland remained strongly opposed to devolution. Its submission to the Commission argued in strongly unionist terms that good government was best achieved by reforming local democracy and a strong UK welfare state:

“We have considered long and carefully the possibility of a separate Parliament, Assembly, Council or some other elected authority with executive or legislative powers covering the whole of Scotland, and we feel strongly that any such body – whilst superficially attractive as a short-term palliative to our problems – would be divisive and would inevitably create an unfavourable environment for the methods of government which we require.”⁴⁶

The team that gave verbal evidence to the Commissioners went even further. Led by the Chairman of the Labour Party in Scotland and another Ayrshire man, John Pollok, they stated that they would actually prefer a Conservative government at Westminster to a Labour controlled Scottish Parliament:

“What we fear is that, if one starts with any form of Assembly with substantial legislative devolution, that is the slippery slope towards total separation, or at least a form of separation that would set up divisions in the United Kingdom. We believe that would be disastrous for Scotland, because it would lead to Scotland becoming a separate small nation economy instead of remaining part of a major economic unit. That would

⁴⁶ Labour Party Scottish Council, Written submission to the Royal Commission on the Constitution (Kilbrandon Commission) (1971) Extracts from this document can be found in Paterson (1998), pp. 40-45

be so disastrous in the long run that even the hypothetical situation of a Conservative government ruling in Great Britain would be preferable.”⁴⁷

Willie Ross hoped and expected that the Royal Commission would have the effect of burying devolution as an issue (Harvie & Jones 2000: 90). He was to be sorely disappointed. Lord Kilbrandon, who chaired the Commission following the death of Lord Crowther, recommended the creation of a Scottish assembly with 100 members elected by proportional representation, which would be funded by the block grant or assigned taxes. He said this would mean a proportionate cut in the number of Scottish MPs and the abolition of the dedicated post of Scottish Secretary. The following month a blonde PE teacher called Margo MacDonald delivered another shock to the Scottish political system by winning the safe Labour seat of Glasgow Govan for the SNP on a 26.7 per cent swing. With the exception of a narrow Conservative victory in 1950, Labour had held the seat continuously since 1918. Her victory was achieved against the backdrop of the SNP's most successful campaign, built around the slogan “It's Scotland's Oil”. According to Tam Dalyell, the loss of Govan marked the beginning of Harold Wilson's conversion to devolution (Dalyell 1977: 94).

Dalintober Street

Donald Dewar is an exceptional figure because of his consistent support for devolution at a time when it was unpopular in the party. The Liberal Democrat MP, Menzies Campbell, who was one of Dewar's contemporaries at Glasgow University, told the House of Commons that he first heard him make the case for a Scottish

⁴⁷ Royal Commission on the Constitution (Kilbrandon Commission), Minutes of Evidence IV Scotland, (1971) p32

Parliament in 1960.⁴⁸ Friends say that his commitment to a Scottish Parliament was rooted in his sense of history and the liberal tradition of 'home rule all round' had great resonance for him.⁴⁹ Dewar even contributed to a collection of essays on the constitutional question edited by his friend and prominent Scottish Nationalist, Neil MacCormick. He wrote that Labour had traditionally been sympathetic towards the arguments for devolution, "The present Government has been committed as no other to balanced industrial growth and the even spread of economic power. It would be in no way dishonourable or inconsistent for the Labour Party to think in terms of parallel political developments. I hope it is prepared to do so" (Dewar 1970: 79). Dewar's long and unbroken support for a Scottish Parliament gave him personal credibility on the issue.

One of the most prominent supporters of devolution in the Scottish Labour Party during the 1960s and 1970s was the East Lothian MP and University of Edinburgh academic John P. Mackintosh. He had a brilliant mind, but fellow MPs like Jim Sillars say that he had an aloof manner that prevented him from attracting a following in the party.⁵⁰ Henry Drucker comments in similar terms that he was "too much the loner, the unorthodox and openly impatient" to endear himself to colleagues (Drucker 1982b: 1). The STUC was another alternative voice in the debate. At the 1968 Congress, the miners' leader Mick McGahey, who was a member of the Communist Party, which had a strong home rule tradition, invoked the ghosts of Keir Hardie and Bob Smillie in support of his motion asserting "the desire of the Scottish people for a Scottish Parliament". The STUC came out firmly in favour of a devolved Scottish

⁴⁸ Menzies Campbell, Column 1057, Hansard, 24 July 1997

⁴⁹ Wendy Alexander, interview 10 August 2009 (Braehead)

⁵⁰ Jim Sillars, interview 14 May 2009 (Edinburgh)

Parliament with legislative powers (Aitken, 1997: 218-220). In different ways, John P. Mackintosh and Mick McGahey were both outsiders whose pro-devolution views were at odds with the Scottish Labour establishment represented by Willie Ross and those who were close to him, like the Lanarkshire MP Peggy Herbison.

It was the Labour Party's UK leadership that put Ross under greatest pressure to change his stance, largely because they were scared by the SNP's advance. During the February 1974 election campaign one of Harold Wilson's advisers Bernard Donoughue recorded in his diary, "Our special Scottish poll is very depressing – Labour is behind the Tories and everybody is demanding a Scottish Parliament. The problem apparently is Willie Ross, the party spokesman on Scotland, who is adamantly against all Scottish Nationalist arguments" (Donoughue 2005: 25). The SNP made a major breakthrough in the election winning seven seats. With a fragile majority, the new Labour Government promised in the Queen's Speech to consider the Kilbrandon report and bring forward proposals for devolution (Wood 1989: 115). As Donoughue's diary shows, the commitment went against the grain of many Scottish Labour MPs and senior activists. It was not accepted easily or smoothly.

In June, the Scottish Executive of the Labour Party held an extraordinary meeting to consider five options built around different components of the Kilbrandon Report. The meeting was badly attended because it clashed with Scotland's World Cup football match against Yugoslavia. Only 11 out of a possible 29 members were present. All of the Government's proposals were rejected – by six votes to five – and a statement was issued declaring that, "constitutional tinkering does not make a meaningful contribution towards achieving socialist goals" (McLean 1990b: 23).

Donald Dewar and George Robertson were both members of the losing minority. The outcome was seen as a major embarrassment for Harold Wilson and it caused an outburst of indignation in the Scottish press. The *Daily Record* published an editorial describing the decision as “grotesque” (McLean 1990b: 23). The Scottish Executive Committee was opposing its own government's commitment to legislate for devolution.

This situation could not continue and a special Labour Conference was convened at the Co-operative Hall in Glasgow's Dalintober Street, on 16 August 1974. Alex Kitson, Scottish Secretary of the TGWU and an old style trade union fixer, mobilised the block vote to ensure that Harold Wilson got his way. Conference voted by a four to one majority to support a Scottish assembly (Brand 1977: 59). Jim Sillars recalls that the devolutionists had won the vote, but they had not won the argument, “Now, we won the vote for a devolved assembly, but don't be kidded and I wasn't kidded at the time. We won the vote against the majority opinion. We mobilized the trade unions and of course also the NEC down in London was mobilized because what mattered was drawing the carpet under the feet of the SNP.”⁵¹ The Scottish Labour Party supported devolution only because it had its arm twisted up its back. It was primarily a strategy designed to stop the SNP, not to improve the government of Scotland.

Legislating for Devolution in the 1970s

⁵¹ Jim Sillars, interview 14 May 2009 (Edinburgh)

The general election in October 1974 vindicated those in the Labour Party who felt that they needed to offer some form of devolution. The SNP took 30.4 per cent of the vote and 11 seats. This was eclipsed by the SNP's strong performance in the 2011 Scottish Parliament election, but is still their best ever result in a UK general election. In November 1975, the Government published its White Paper *Our Changing Democracy*. It was the minimum that could have been done. Willie Ross backed the plan and asserted his support for "the political and economic unity of the United Kingdom" (Wood 1989: 121). Those like Jim Sillars and Alex Eadie, who had become strong advocates of a Scottish assembly, felt badly let down. The new institution had no economic powers and would not be given control of the Scottish Development Agency. Sillars left with fellow MP John Robertson and the Labour Party's research officer Alex Neil to form a breakaway Scottish Labour Party. They attracted high profile support from influential journalists, like Neil Ascherson, and intense publicity in the press, but failed to make an impact with the voters. Meanwhile, the Government's attempt to legislate for devolution attracted strong opposition in the House of Commons.

In September 1976 the Government was forced to concede a referendum to get its bill through Parliament, but after failing to win support for a guillotine motion the legislation fell at its committee stage. 29 Labour MPs abstained. By now, Jim Callaghan had replaced Harold Wilson as Prime Minister. He was personally sceptical about devolution, telling Cabinet colleagues that he was 'afraid of opening the doors to separatism' and therefore wanted the 'most moderate' proposal possible (Donoghue 2005: 493). He appointed Michael Foot as Leader of the House, giving him special responsibility for devolution. John Smith was his deputy. As a student,

Smith argued in traditional Labour terms that a Scottish Parliament would not address the central issue of the redistribution of wealth (Stuart 2005: 79). His hostility to constitutional change continued when he became an MP. In May 1974, for example, he penned a newspaper column arguing that the price tag for devolution was “too high a price to pay” (Stuart 2005: 79). This was a reference to the widespread expectation that self-government would reduce the influence of the Scottish Secretary in the UK Cabinet and lead to a reduction in the number of Scottish MPs. Smith changed his views when he became the minister responsible for steering the Scotland Act through the House of Commons.

When the new parliamentary session began in November 1977, Labour introduced its updated devolution measures. The main change was that Scotland and Wales would be dealt with separately. The legislation continued to have a torrid time in Parliament. On Burns Night 1978, Labour MP George Cunningham, a Scot who represented the London constituency of Islington, moved an amendment that meant the Scottish Assembly would require support from 40 per cent of the electorate in the referendum, a simple majority was not enough. Cunningham's amendment has been described as the most significant backbench intervention in any parliament since the war (Devine 1999: 587). It eventually brought down the legislation.

The referendum campaign itself took place against the backdrop of the ‘Winter of Discontent’ during the Callaghan Government's last days. George Robertson, then newly elected as the Labour MP for Hamilton, describes it as “a pretty miserable experience”.⁵² Prominent Labour MPs and activists like Robin Cook, Tam Dalyell

⁵² George Robertson, interviewed for BBC Radio Scotland 7 November 2003

and Brian Wilson were among those energetically campaigning across Scotland for a 'No' vote. The anti-devolutionists received financial backing from the business community and were much better resourced than the 'Yes' campaign. They fought a hard campaign built around messages of fear about separation, job losses and the threat to subsidies on which state-owned industries like coal and shipbuilding depended (Sillars 1986: 68). The Conservative Party's position was that they remained committed to the idea of a directly elected Scottish Assembly, but were irreconcilably opposed to the government's scheme. In the end, a small majority of Scots voted in favour of an assembly. 51.6 per cent voted 'Yes' and 48.4 per cent voted 'No'. But six of Scotland's 12 regions, including Grampian and Tayside voted against, and the majority in support of devolution did not constitute the required 40 per cent of the electorate (Hassan & Lynch 2001: 372). Disappointment with the outcome among home rulers mingled with a sense that the rules had been rigged against them

The devolution referendum was followed by a series of frenzied negotiations at Westminster, but when the Government refused to implement the Scotland Act the SNP put down a motion of censure. The Labour Government fell on 28 March 1979. Callaghan famously mocked the Nationalist MPs who voted against him as the first recorded case of Turkey's voting for Christmas (Marr 1992: 163). Roy Hattersley, who went on to become Labour's Deputy Leader, says that the SNP's Donald Stewart had bet him £5 that they would double their seats.⁵³ He was badly wrong. In the general election that followed the Nationalists were reduced from 11 MPs to just two and Margaret Thatcher became Prime Minister. In a sense, devolution had achieved

⁵³ Roy Hattersley, "The Party's Over", *The Observer* 22 March 2009

its objective for the Labour Party. The Scottish Assembly looked dead and buried, but so did the SNP. Jim Ross, who as Under-Secretary responsible for Devolution at the Scottish Office helped draft the Scotland Act, said, “many Labour MPs, north and south of the border, hoped that devolution would go away and that they could get back to the traditional subjects of Labour – Tory dispute”.⁵⁴ His comments indicate how Labour's commitment to devolution in the 1970s never penetrated the culture of the party in a meaningful way. The policy had been forced on them and was always an issue of controversy.

V. Thatcherism in Scotland

In this section, I will discuss how the Labour Party's inability to win power at a UK level, despite being the majority party in Scotland, undermined the legitimacy of state institutions and occasioned a search for a new ideational framework. Lindsay Paterson argues that, “The main political development of the 1980s was the convergence of almost all left-of-centre political currents behind the idea of Scottish self-government” (Paterson 1998: 143). This was a remarkable turnaround from the divisions that had characterised the devolution debate in the 1960s and 1970s. I will argue that while the actions of the Conservative Government created pressure for change, the emergence of a new consensus around home rule must also be understood as the outcome of an internal process of policy formation involving different actors and interest groups within the Labour Party. Blyth comments that, “While the destabilisation of existing institutions can be exogenously driven, moving from such a position to a new stable institutional order must be seen as an endogenous process. Specifically, how agents

⁵⁴ Letter from Jim Ross to Andrew McFadyen, 6 June 2004

redesign and rebuild institutional orders, and the conditions under which these activities take place, need to be analysed" (Blyth, 2002: 8).

As I described in the previous chapter, Donald Dewar got back into Parliament in April 1978 as the winner of the Glasgow Garscadden by-election. He won the nomination for the seat by three votes in the selection conference against Dumbarton Councillor Ian Leitch.⁵⁵ George Robertson comments that, "He had of course been trying for a number of years to get back into Parliament I think with decreasing enthusiasm as he was sort of robbed in many of the selection contests. But he was the right man in Garscadden."⁵⁶ At that time, the SNP held all six of the district council seats in the constituency and started out as the favourites to win the election. Dewar's election turned the tide for Labour in Scotland and his victory made him a hero in the party. Bill Speirs, who campaigned for Dewar during the by-election, described the departure of sullen SNP supporters from the counting centre as the 'retreat from Flodden' (McLean 2001: 6). Afterwards furious Nationalists flung beer cans at Labour supporters (Marr 1992: 159). Glasgow Garscadden was followed by further by-election wins for Labour in Hamilton, where the SNP fielded the high profile Margo MacDonald, and East Lothian. All three newly elected MPs – Donald Dewar, George Robertson and John Home Robertson – were pro-devolution.

After the 1979 general election, Dewar gained a parliamentary platform as chairman of the Scottish Affairs Select Committee. A year later, when Michael Foot became Labour leader, he joined the front bench as a Scottish Affairs spokesman. They were

⁵⁵ Jimmy Allison, "Extract from Guilty by Suspicion – A Life & Labour", *The Herald* 6 March 1995

⁵⁶ George Robertson, interviewed for BBC Radio Scotland 7 November 2003

from different wings of the party, but became close because Dewar rented a room in Foot's London house and they shared an interest in antiquarian books. George Foulkes comments that they were "quite similar in terms of their tastes in literature, their 'hinterland' as Denis Healey would have called it. And they got on well together as a result of that. I think that is why Michael Foot appreciated his talents."⁵⁷ At the time, the big political questions seemed to be British rather than Scottish (McCrone 1982: 3). The major domestic issue was unemployment, which more than doubled to three million. Economic debate was defined in UK terms and critics focused primarily on the burden to industry of excessively high interest rates (Seldon & Collings, 2000: 9-13). The formation of the SDP also emphasised the British dimension to politics. The new party was founded from the top-down by a group of MPs and ex-ministers and it reflected their profoundly metropolitan centre of gravity (Drucker 1982). Above all else, television and newspaper reports of the Falklands conflict encouraged British national pride in the tough job being done by 'our boys' in the South Atlantic. Devolution slipped down the political agenda.

Interest in a Scottish Assembly was so low that organisers cancelled the fringe meeting at the 1981 Labour Conference, in Brighton, because no big-name speakers could be found to perform (Drucker, 1982: 26). The SNP were also in the electoral doldrums. The Nationalist's opinion poll rating only exceeded 20% on two occasions from the 1979 general election until April 1988 (Hassan & Lynch, 2001: 380-2). In 1983, they finished behind the Alliance with just two seats and 11.8% of the vote. Worse still, the SNP lost 54 deposits and gained over 20% of the vote in just 9 seats (Lynch 2002: 178). Many activists were demoralised and withdrew from the party.

⁵⁷ George Foulkes, interview 2 April 2009 (Edinburgh)

SNP membership fell continuously from 28,091 in 1979 to 19,387 in 1983 to 12,115 in 1987 (Lynch, 2002: 163). With fewer paying members the party lost income and the ability to get its message across on the doorsteps. The SNP's decline removed, or at least reduced, the fear among Labour politicians that the Nationalists would win a majority in the Assembly and use it to claim a mandate for independence. When a more distinctively Scottish political discourse began to emerge after the 1983 general election, the SNP's weakness created a political space for Labour to take ownership of devolution as an issue and redefine self-government in social democratic terms.

Labour performed poorly in Scotland in the 1983 general election. The party slumped from 41.2% of the vote and 44 seats in 1979, to 35.1% of the vote and 41 seats in 1983 (Bochel & Denver 1983: 8). However, despite Labour's losses, the election confirmed a separate voting pattern in Scotland, with 70% of the vote going to non-government candidates. Devolution was mentioned by only 4% of Mori's Scottish respondents as an important issue in the 1983 general election. (Bochel & Denver, 1983: 17) The Glasgow Herald's post-election leader column predicted that the return of a Conservative government rejected by most Scots would inevitably lead to renewed interest in home rule: "The elections have confirmed a separate voting pattern in Scotland... 70% of the Scottish vote was for non-government candidates, and almost by definition this must bring the Scottish dimension to the fore again."⁵⁸ They were right. The election result immediately led some prominent opponents of devolution to rethink their position. In an interview for *Radical Scotland* Robin Cook said:

⁵⁸ *The Herald*, 11 June 1983

"The time has now come when one has to recognise the reality of the divergence of the political pattern of the south of England from Scotland and therefore I think that should be recognised by some different form of constitutional settlement which allows the Scots to take their own decisions concerning domestic issues which can be settled by a state within a federal system."⁵⁹

Cook's comments reflect the fact that there was new interest in devolution because it seemed the only way that Scots could vote for a government of their own choosing. However, there was division and disagreement between the principal actors in the Scottish Labour Party about the strategy they should adopt. The shift towards a new consensus required shrewd coalition building and unremitting effort.

VI. The Green Paper: Tracing the Process

This section marshals new documentary evidence and interviews to trace the political debate inside the Labour Party that led to the publication of the Green Paper. The growing sense that Britain was permanently polarised posed a strategic dilemma for Scottish Labour politicians. How long would Labour voters continue to support the party if their unpopularity in England meant they had no realistic prospect of forming a government? (Naughtie, 1989) As I will go on to discuss, some Scottish Labour MPs including George Foulkes, John Home Robertson and Dennis Canavan wanted to challenge the Conservative Party's mandate to push through its agenda in Scotland. The mandate question was not new. It had first been raised by the then Labour MP for South Ayrshire Jim Sillars in 1970. In a parliamentary exchange with Edward Heath he said: "When the Prime Minister goes to Scotland tomorrow, will he look up the

⁵⁹ Robin Cook, interview in *Radical Scotland* Issue 4 August/ September 1983 pp 9-11

election results for 1970 and understand that, because he issued a separate manifesto for Scotland and Scotland voted overwhelmingly for Labour, it is claptrap for him and his ministers to say that they have a mandate for cutting Scottish public expenditure and destroying the Labour government's investment grants scheme?" (Sillars 1986: 34) The legitimacy of the Government's Scottish mandate became a much more salient issue during the Thatcher years because of the divergence between the English and Scottish electorates. It was a difficult issue for Scottish Labour because there was a tension between the twin goals of protecting Scotland from Thatcherism and contributing to the general recovery of the Labour movement throughout Britain (Mitchell 1998: 483).

Labour's Strategic Debate

The minutes of the Scottish Parliamentary Labour Group meetings provide an insight into the internal debate between MPs. Scottish Labour MPs convened a special meeting at Westminster in the immediate aftermath of the general election to discuss the new situation:

"The Chairman (John Home-Robertson) said that this special meeting had been convened in order to allow for a wide ranging discussion about the circumstances in which the Group and the Party in Scotland now finds itself. There had been a lot of talk before and during the general election, and also since, about the tactics which might or might not be adopted by Scottish MPs in a situation where although the party had "won" the election in Scotland it was in a massive minority nationally and in Westminster.

The Chairman said that he was not prepared at this meeting to accept resolutions or notices of motion on these matters, but that he hoped there would be a candid and comradely exchange of views and suggestions.

Mr Millan opened the discussion, and speeches were also made by Messrs Ross, Hughes, O'Neill, Foulkes, Ms Hart, Hamilton, Strang, Martin, Maxton, Buchan, Canavan, Dewar, Clarke, Douglas, Ewing, Ron Brown, Cook, Lambie, Craigie and Hogg.

Mr Millan summed up the discussion.

He said that it was clear that whilst there were marked divisions of opinion as to the questions of tactics in relation to issues such as the Party's commitment to a Scottish Assembly, there was a clear consensus of view that as an Opposition we need to have a much higher profile in this Parliament than in the last one. It was also clear that in this Parliament there must be considerable emphasis placed on the Scottish dimension. He added that it was clear from the contributions which had been made that as a Group we should have nothing formally to do with the Conference in July organised by the Campaign for a Scottish Assembly."⁶⁰

This minute is worth quoting at length because it confirms that there were "marked divisions of opinion" between MPs regarding the Labour Party's commitment to devolution and the way it should pursue its objective. Navigating between the different factions and interest groups was a difficult task. The Shadow Scottish Secretary Bruce Millan recognised the need to put more emphasis on what he describes as the "Scottish dimension", but was unwilling to formally co-operate with

⁶⁰ Minute 61, Scottish Parliamentary Labour Party Group meeting, 15 June 1983

the cross-party Campaign for a Scottish Assembly. His position reflected Scottish Labour's traditional opposition to cross-party campaigning. This is significant when we consider the debates that took place later about the Scottish Constitutional Convention.

Left-wing activists like George Galloway - who in 1981 became the youngest ever Chairman of the Scottish Labour Party at 26 years old - were advocating a much bolder strategy to oppose the Conservatives including the disruption of Parliament. They succeeded in getting a motion passed at Labour's 1983 Brighton Conference asserting that: "this government has no mandate in a Scottish context."⁶¹ A vocal minority of MPs held similar views. In September 1983 a group including George Foulkes, John Maxton, John Home Robertson and Dennis Canavan published an action plan to defend Scotland against Thatcherism. They advocated that:

"All sections of the Labour movement unite behind calls for a major campaign involving Labour MPs, councillors, trade unionists and party activists to force the establishment of a Scottish Assembly, and resist attempts by an unelected Secretary of State to impose Thatcherite policies on Scotland in defiance of the wishes of the Scottish electorate."⁶²

The so-called 'Foulkes memorandum' went on to demand direct action aimed at exposing the Conservative Party's lack of a specific Scottish mandate. The group was

⁶¹ Composite resolution 12 carried at 1983 Labour Party conference, Brighton. Quoted in *Radical Scotland* June/July 1984

⁶² George Foulkes, John Maxton, Dennis Canavan, David Marshall and John Home Robertson, J., (1983) *Defending Scotland against Thatcher: An Action Plan for the Labour Movement*, p1

advocating a campaign deliberately designed to erode the legitimacy and consent that the Government needed to exercise authority in Scotland:

“The overwhelming rejection of Tory policies in Scotland and the fact that 71 per cent voted for parties committed to some kind of home rule (which would allow implementation of the alternative policies people voted for) gives the Party in Scotland a major tactical advantage on which to build. The mandate argument is easily understood, hard to answer, and politically very damaging to the Government. But it is important too because it gives the movement in Scotland a much more clear-cut public justification for the campaign of extra-parliamentary resistance which will probably be necessary to extract concessions in any areas of policy from an aggressive right wing government with a massive majority of seats at Westminster.”⁶³

The memorandum suggested that the Scottish Grand Committee should meet as an unofficial Scottish assembly and a rival source of authority to the Secretary of State. Foulkes says that he felt the Tories were almost taunting them with right-wing policies and he wanted to provoke some kind of a crisis to bring things to a head: “There were ways of disrupting business in Parliament. There were things that a small group of people could do and we argued that if half a dozen MPs could thwart legislation, how much more could 50 MPs working collectively do? And if we could get the PLP to support us on certain things we could challenge Thatcher’s mandate in Scotland”.⁶⁴

⁶³ George Foulkes, John Maxton, Dennis Canavan, David Marshall and John Home Robertson, J., (1983) *Defending Scotland against Thatcher: An Action Plan for the Labour Movement*, p2

⁶⁴ George Foulkes, interview 2 April 2009 (Edinburgh)

The implications of a campaign to challenge the legitimacy of the Conservative Government caused deep disquiet among the Scottish Labour Group's older members, like Tam Dalyell and Norman Buchan. They feared that accepting the case for a specific Scottish mandate would undermine both the stability of the Union and the ability of a future Labour government to run England on the basis of seats won in Scotland (Naughtie, 1989: 162). Donald Dewar and other mainstream members of the Group who supported devolution shared some of these concerns. The Greenock MP Norman Godman says of George Foulkes that, "I think his view was less than popular to be honest. There seemed to be broad agreement and I would include Donald Dewar in this that these were UK wide elections and the results had to be acknowledged within a UK perspective."⁶⁵ The idea of bringing forward a devolution Bill on which the party could campaign emerged as the compromise around which most members could unite. The proposal was discussed at a long and ill-tempered meeting, which focused on a motion submitted by Norman Godman and Gordon Brown (Naughtie 1989: 163). Unfortunately, the minutes do not record individual contributions or the main points of contention. The text of the motion as finally agreed, with one dissenting voice, is as follows:

"That this meeting of the Group agrees to submit to the Joint Action Group proposals on our intended course of action to highlight the case for Scotland in Parliament, and in particular the case for a Scottish Assembly.

That we agree:

⁶⁵ Norman Godman, interview 22 September 2010 (Edinburgh)

- To press the Parliamentary Party in the new session for a debate on the Conservative's inaction on devolution.
- To examine what action might be taken in the Select Committee on Scottish Affairs and the Scottish Grand Committee.
- To prepare, in consultation with the Labour Party, a new Devolution Bill along the lines of our statement of policy, and to consider how best to obtain maximum support for devolution.
- To seek joint meetings on common issues of concern with other Regional Groups who have the same economic and social problems in their areas.”⁶⁶

The most important commitment was that the Labour Party should prepare a new Devolution Bill. However, the inclusion of a pledge to seek joint meetings with other Regional Groups of Labour MPs was significant because it indicated that devolution would be pursued as part of a broader UK-wide strategy for opposing Thatcherism. This was an approach that contrasted sharply with George Foulkes' plan, which emphasised Scotland's distinctive circumstances. According to an account of the meeting by *The Scotsman's* then Westminster correspondent James Naughtie:

“The most important speech was made – somewhat to the surprise of some of his colleagues – by John Smith, the former minister of state at the Privy Council Office who steered the Scotland Act through the Commons. He was more enthusiastic for the Brown-Godman approach than some had suspected he might be. It certainly helped to outflank the mandaters, who lost decisively. From then on their efforts were occasionally embarrassing – and sometimes helpful to the SNP – but not serious” (Naughtie, 1989: 163).

⁶⁶ Minute 13, Scottish Parliamentary Labour Group Meeting, 19 July 1983

This decision committed Labour to building a broad campaign behind a workable scheme for devolution, but it also bound the party to a Parliamentary strategy in which the achievement of home rule was tied to the election of a Labour Government at Westminster. The press interpreted Labour's policy as a decision to 'play it safe', but devolution was nonetheless given equal priority with more basic issues like unemployment, NHS cuts, and privatisation (Mitchell, 1998: 484).

Producing the Green Paper

Donald Dewar became responsible for Labour's devolution policy when he was appointed as Shadow Scottish Secretary, in October 1983. He sat on the front bench at Neil Kinnock's invitation, having narrowly missed out on a place in the Shadow Cabinet by right. The following year Dewar increased his vote from 60 to 75 in the Shadow Cabinet elections and replaced Eric Heffer. The electoral backing of his colleagues increased his influence.⁶⁷ Dewar acted as a bridge between different factions in the Labour Group. Norman Godman says they were a tough-minded, somewhat cynical group of men and on important decisions Dewar had to carry colleagues along with him on the basis of the presentation of his case, "Donald had to negotiate with his colleagues, even with those who some cynics would describe as obscure backbenchers. Donald had to negotiate, to persuade and cajole colleagues. And he didn't always succeed."⁶⁸ George Foulkes adds that he took on the role of a conciliator, "He liked to be seen to try and organise compromises and agreements and

⁶⁷ *The Guardian*, 27 October 1984

⁶⁸ Norman Godman, interview 22 September 2010 (Edinburgh)

bring people together.”⁶⁹ Dewar's long-standing commitment to devolution gave him credibility on the issue and a degree of goodwill from campaigners. This was balanced by a cautious strategic conservatism that enabled him to retain the trust of colleagues who regarded the whole idea of a Scottish assembly with some suspicion. He shied away from disruptive tactics and direct action.

One of Dewar's first actions as Shadow Scottish Secretary was to slap down proposals from George Foulkes and John Home Robertson to disrupt the Scottish Affairs Committee by encouraging non-members to sit in at meetings. Dewar told colleagues, “this strategy would undoubtedly be seen as disrupting the House, and be counter-productive in terms of Scottish public opinion. It might also, of course, split the Group; which would be extremely undesirable. At the very least it would probably be regarded as childish behaviour.”⁷⁰ Dewar made it clear that he believed the case for devolution should be pursued in a ‘mainstream way’ – but he was serious about making that case. Dewar quickly won agreement from the Group that a Green Paper would precede the proposed Devolution Bill:

”This Green Paper would outline our proposals, as agreed at Conference, in detail and would be used as a basis for detailed discussions with representatives of all interested groups in Scotland. This would give feedback on our proposals, keep the issue in the forefront of the public mind, and ensure that the Labour Party was seen to be taking the lead. A small group should be established to draft this Green Paper – the composition of which should be the Shadow Scottish Secretary, the Scottish Whip, the Chairman of the Scottish Group, and the Chairman of the Devolution Sub-

⁶⁹ George Foulkes, interview 2 April 2009 (Edinburgh)

⁷⁰ Minute 24, Scottish Parliamentary Labour Party Group Meeting, 1 November 1983

committee. The Scottish Research Officer should provide any necessary drafting assistance.”⁷¹

The Green Paper was intended to show that the party was taking a lead on the constitutional issue and provide a basis for discussion with interested groups. Dewar grasped the process of writing and promoting the Green Paper to help redefine the case for constitutional change in a way that deepened the Labour Party's commitment to home rule. His presence on the drafting group meant that he had ultimate control over the content of the document. Dewar also had a close personal relationship with Murray Elder, the party official who worked on the document.

Inevitably, the involvement of staff from Labour HQ in the drafting process aroused the suspicion of some Scottish Labour activists. As Chairman of the Devolution Sub-Committee, George Foulkes, had asked a former Scottish Office civil servant, Jim Ross, to prepare an early draft of the document. According to Bob McLean, Ross diverted his efforts to the cross-party Campaign for a Scottish Assembly because he began to question Labour's “depth of commitment” to the initiative:

“On 15 June 1984, Jim Ross wrote to Jim Boyack questioning Labour's depth of commitment to its own Green Paper initiative. Since completing an initial draft, Ross had heard nothing further. On inquiring he was told that Keir Hardie House staff had now taken over the drafting process. Ross expressed his concern over media reports that the Green Paper would closely reflect the Scotland Act and fail to embrace the changes demanded by the experiences of the mid-1980s” (McLean, 2005: 78)

⁷¹ Minute 47a, Scottish Parliamentary Group Meeting, 6 December 1983

It is evident from discussions within the Group that some MPs were also concerned that the Green Paper was not a significant enough advance on the Scotland Act 1978. Members spent an hour debating its merits when an early draft was circulated at a special Group Meeting on 11 July 1984. The left-winger Dennis Canavan complained that it, "does not give enough emphasis to 1983 Conference Resolution; in particular the moral mandate." Robin Cook recognised that devolution could also carry a political cost in terms of the continuing role of the Scottish Secretary and the voting rights of Scottish MPs on English matters:

"If the document is "greenish", need to discuss form of taxes to be devolved; not necessarily income tax. Major weakness about the continuing role of a Secretary of State. Another weakness concerns what this will call forth in the rest of the UK. Need to accept that in the long run it will have profound effect on Scottish MPs rights to vote on English matters."⁷²

The Green Paper made no meaningful attempt to address Cook's concerns. The document simply asserted that the role of the Scottish Secretary and Scottish MPs would continue as before. It also avoided any detailed comment about the devolution of taxes other than income tax. Dewar commented that taxation would be a "minefield" if they began to be specific. He also had to ensure that he retained the support of more sceptical colleagues, like Gregor MacKenzie, who expressed concerns about moving too far ahead of English MPs:

"Changing attitudes in Scotland in the Labour Party, now an enthusiasm for devolution. This has not necessarily affected the minds of English colleagues about

⁷² Scottish Parliamentary Labour Group, "Notes on the Discussion of the Draft Devolution Document", 11 July 1984

economic policy and employment issues. They must be taken with us. Worried about the relationship with local government – one of the tiers of local government of necessity must disappear and this needs lengthy consultation. Local councillors may not take kindly to abolition. Need to be positive and specific on tax powers and underline prospects for jobs in a way which is credible.”⁷³

This comment is interesting because it indicates how some MPs recognised that attitudes were changing in Scotland, but they were keenly aware of moving too far ahead of English colleagues. Dewar took personal responsibility for “tidying up” the final draft and getting this balance right.⁷⁴ His primary objective was not to answer the detailed questions posed by Robin Cook and others, but to set out a political case that would make the benefits of devolution absolutely clear.

When it was published the Green Paper's caution about policy disappointed some campaigners because, although it went further than the 1978 Act, it did not significantly move the argument on in terms of the powers of the proposed Assembly. The document's importance lay in the way it presented the argument for home rule in new language. The left-wing journal *Radical Scotland* observed that, “the case for devolution was restated at some length using both the familiar arguments which we have all grown to know and love, but also – more significantly – stressing the *strengthened* case for devolution, based on the shock-horror experience of the five years of Thatcherism since the ill-fated referendum.”⁷⁵

⁷³ Scottish Parliamentary Labour Group, “Notes on the Discussion of the Draft Devolution Document”, 11 July 1984

⁷⁴ Minute 125b, Scottish Parliamentary Labour Group Meeting, 5 July 1984

⁷⁵ *Radical Scotland*, October/ November 1984

The Green Paper reframed the argument for self-government, selling it as a way of defending Scotland against the policies of the Conservative Government: "This paper is not an attempt in detail to restate the case for devolution. That stage has passed. What is now needed is, thought, argument and discussion about the best way forward, about ways of promoting the case for a Scottish Assembly."⁷⁶ In a letter to the author, Jim Ross says that he personally regarded the Green Paper as "undesirably limited in content", but the more important issue had been to move opinion forward on the principle of devolution. He added that Dewar, "was undoubtedly the cardinal factor in ensuring that the Green Paper appeared and was significantly promoted by the Labour Party."⁷⁷ The document helped to connect the idea of Scottish self-government to social democratic values in a way that had not automatically been true in the 1970s.

The Shifting Dynamic of Labour Party Politics

Most academics see the Green Paper as part of Scottish Labour's response to Thatcherism. That is to say, the party's renewed interest in devolution stemmed from the need to provide a distinctive response to protect their Scottish base. However, this thesis also draws attention to the institutional changes that were taking place within the party itself. Eric Shaw notes that, "Labour's catastrophic defeat in 1983 was a watershed. Since then there has been an uneven but steady movement of power towards the centre" (Shaw 2000: 5). It took a huge effort for Neil Kinnock to assert his authority over the party, which entailed winning control over the National Executive Committee and its powers to shape policy and enforce discipline. You

⁷⁶ Labour Party (Scottish Parliamentary Group) (1984) *Labour's Green Paper on Devolution: A Consultative Document* (Glasgow) p1

⁷⁷ Letter from Jim Ross to Andrew McFadyen, 6 June 2004

would expect that the transformation of Labour into a modern, professional party with power concentrated around the leader would squeeze the autonomy of regional elites. This is eventually what happened under Tony Blair's leadership, but during the 1980s it had the opposite effect because Neil Kinnock needed the support of Scottish MPs to win internal battles that were much more central to his leadership.

The Labour Party operates in a multi-layered context in which power shifts between the centre and the periphery (Laffin & Shaw 2007). During the 1980s, Scottish Labour MPs became remarkably prominent in the frontline of the movement. This important change can be traced in the results of elections to the Shadow Cabinet. Of 32 individuals elected to the Shadow Cabinet between 1951 and 1964 only one, Tom Fraser, was a Scot. Keating comments that, "Scottish backbenchers had to complain to the leadership about their lack of representation" (Keating 1989: 90-91). When Harold Wilson appointed his first Cabinet in 1964 it included only one Scottish MP: the Secretary of State for Scotland Willie Ross.⁷⁸ In contrast, Neil Kinnock's first Shadow Cabinet included three Scottish MPs – Donald Dewar, John Smith and Robin Cook. In later years they were joined by others including Gordon Brown, who regularly topped the poll in Shadow Cabinet elections. Andrew Marr observed that Scots provided the backbone of the Kinnockite Labour Party (Marr, 1992: 181).

The relative weakness of the Labour Party in England meant that Scottish MPs also represented a bigger proportion of the parliamentary party than ever before or since. In the 1983 general election Labour was reduced to just 209 seats of which almost a quarter came from Scottish constituencies. The Scottish Group held their own

⁷⁸ North Lanarkshire MP Peggy Herbison also served in the Government as Minister of Pensions and National Insurance, but this was not then a Cabinet position.

meetings on a monthly basis, which contributed to their political coherence and helped to foster a distinct sense of identity. George Foulkes comments that the turmoil caused in some parts of England by defections to the SDP on the right and the influence of Militant on the left was less apparent in Scotland, "There were those divisions within the Scottish group, but the Scottish group was more coherent, maybe because there was increasingly a Scottish issue."⁷⁹ Although Dewar himself faced a serious challenge to be reselected in Glasgow Garscadden, in 1985, from Strathclyde Regional Councillor Jim MacKechnie, a former member of the International Marxist Group, Scottish constituencies were generally less prone than their English counterparts to infiltration by the far left. The strong influence of the Communist Party in the trade union movement was another factor that provided Labour in Scotland with ballast against Trotskyite infiltrators (Marr 1992; Aitken 1997: 265). Dewar's status as the leader of a relatively coherent regional block within the Parliamentary Labour Party and ability to enlist support from other Scots in the Shadow Cabinet was therefore an important political resource that helped to give him a larger degree of autonomy over Scottish affairs.

As a group, the emerging generation of Scottish Labour MPs was less influenced by the ideological inheritance of centralised wartime planning than that which they replaced. John Smith, for example, had begun his political career as an opponent of devolution, but he made his parliamentary reputation as a minister in the Callaghan Government defending devolution at the dispatch box. James Naughtie comments that, "By the end of the long parliamentary road Smith himself had a real conviction about the Assembly that was to be set up, and an awareness of the excitement it might

⁷⁹ George Foulkes interview 2 April 2009 (Edinburgh)

bring” (Naughtie 1994: 34). As I describe above, Margaret Thatcher’s election to a second term of office also convinced Robin Cook to back a Scottish Assembly. Neil Kinnock led the revolt against devolution in Wales during the 1970s and he occasionally let his scepticism about the policy show. When the BBC’s Kirsty Wark challenged him in a television interview about his failure to mention devolution in a speech to the Labour Party’s Scottish Conference he notoriously said that he “did not mention the conditions of the environment in the Himalayas”.⁸⁰ However, Kinnock regarded Scottish devolution as a peripheral issue and could not afford to alienate senior members of his Shadow Cabinet who were normally leadership loyalists by opposing them on this matter.

VII. Conclusion

This chapter confirms what other authors, such as McEwen, have noted about the way in which the Green Paper restated the argument for devolution in social democratic terms (McEwen 2004). This was also the main thrust of the commentary at the time of its publication in *Radical Scotland*.⁸¹ It draws attention to the way in which, as the main author of the document, Donald Dewar was largely responsible for ensuring that it contained such a strong political message and promoting it within the Labour Party. During the 1980s a major shift took place in the intellectual framework, or paradigm, of the Scottish Labour movement. As I have described, the Labour Party was a unifying force in the UK for much of the post-war period. The social citizenship embodied in the welfare state and institutions like the National Health Service

⁸⁰ Neil Kinnock, interviewed by Kirsty Wark on *Left, Right and Centre: Conference '88, Labour Party in Scotland*, BBC Scotland, 11 March 1988

⁸¹ *Radical Scotland*, October/ November 1984

encouraged progressive politicians to identify emotionally with the British state (McEwen 2002: 69). As Jim Sillars points out, these achievements had been won as part of a British socialist advance, "My father was a trade unionist, my grandpa was a trade unionist, I was a trade unionist and it was the British Trade union movement. We had a Scottish TUC, but it was a British trade union movement and the heroes of the British trade union movement were people like Ernie Bevin, Arthur Deakin, Nye Bevan so I was heavily influenced to a British point of view."⁸²

For devolution to become a central part of Scottish Labour's political platform required the party to think about politics in a different way. The Conservative Government's economic policies had a devastating impact on Scotland's industrial communities, but this did not automatically lead to an increase in support for self-government. Many Labour MPs believed that the constitution was a marginal issue and their constituents had more important problems to confront. Norman Godman, who represented Greenock, recalls that nearly all his time was spent trying to save the Scott Lithgow shipyard in his constituency, "if people brought up at public meetings or Labour Party meetings the issue of devolution there would be many in the audience who would say for f*** sake, he is trying to save a shipyard."⁸³ The Green Paper helped to generate support for devolution by explicitly linking the case for constitutional change to the 'bread and butter' issues of the Labour movement and promoting it on that basis.

For a long time, there was a tendency in political science to view ideas, norms and culture as part of a pre-existing landscape and focus on how this influences political

⁸² Jim Sillars, interview 14 May 2009 (Edinburgh)

⁸³ Norman Godman, interview 22 September 2010 (Edinburgh)

outcomes (Berman 2001: 234). Political science must also engage with the ways in which agents can use new ideas to build coalitions for change (Hansen & King 2001: 259). Connecting devolution to social democratic values and reframing the idea of a Scottish Assembly as a bulwark against Thatcherism helped to mobilise support in the Labour Party. Dewar used the platform he gained as a frontbench spokesman to go out and sell the message. George Foulkes comments that, "One of my abiding memories of Donald, was when I was running the Labour campaign for a Scottish Parliament, if he was free, if he had an evening free and I asked him to go to Inverness to speak to a meeting he would do it. And he was absolutely terrific at doing it and would go the length of Scotland to argue the case. He was one of the greatest campaigners all around the country when other people weren't doing anything."⁸⁴

This case study also shows how Dewar's ability to achieve his objectives was linked to his credibility as a 'policy entrepreneur' and the way in which the jostling between different factions and interest groups in the Labour Party provided him with resources. Dewar was a member of the right-wing Solidarity group of MPs and his insistence that constitutional change should be pursued in a 'mainstream way' attracted criticism from those, like the Falkirk MP Dennis Canavan, who wanted to adopt more aggressive tactics. However, his reputation as a small-c conservative and cautious stance on most issues gave him credibility with the party leader, Neil Kinnock. The energy and focus at the centre was on winning internal disputes with the left and asserting control over the party machinery. In this context, Scottish devolution was regarded as a peripheral issue. Provided that Dewar was able to

⁸⁴ George Foulkes, interview 2 April 2009 (Edinburgh)

maintain a consensus among Scottish Labour MPs he could exercise considerable autonomy over his brief.

4

THE LABOUR PARTY AND THE SCOTTISH CONSTITUTIONAL CONVENTION

I. Introduction

This Chapter is the second of four case studies that form the spine of this dissertation. It focuses on the Labour Party's decision to participate in the cross-party Scottish Constitutional Convention. The Convention convened meetings from 1989 to 1995 with the intention of devising a workable plan for a Scottish Parliament (Harvie & Jones 2000: 153; McFadden 1995). Its members included the Labour Party and Scottish Liberal Democrat Party, resulting in 58 of Scotland's 72 MPs being members of the Convention, representatives from all twelve Regional and Island Councils and 47 of Scotland's 53 District Councils. A broad swathe of civic society also participated including the main Scottish Churches, the Federation of Small Businesses, the Scottish Trade Union Congress and the Scottish Convention of Women.⁸⁵ In its own way, the Constitutional Convention was quite radical. Important decisions were taken by consensus, rather than by majority voting. Its founding document, *A Claim of Right for Scotland*, used explicitly nationalist language in asserting, "the sovereign right of the Scottish people to determine the form of Government best suited to their needs."⁸⁶ This was a challenge to the Westminster convention of Parliamentary sovereignty. Labour activists, such as Susan Deacon,

⁸⁵ Scottish Constitutional Convention, "Background Briefing Notes", January 1992

⁸⁶ *A Claim of Right for Scotland*, (1988) Report of the Constitutional Steering Group, presented to the Campaign for a Scottish Assembly

therefore regarded the Labour Party's participation as a watershed in its attitude to the question of Scottish home rule (Deacon 1990: 62).

Paterson describes the Constitutional Convention as "civic Scotland in its most characteristic form: dour, polite, cautious, asking not insisting, above all practical, securing its ultimate goal by slow negotiation and carefully worked out compromise" (Paterson 2002: 57). Its creation was an important political development because, as he describes, it changed the institutional context of the devolution debate. The Labour Party had always taken the view that it was for it to decide its own policy and what was best for Scotland. In the new setting of the Convention, different actors and organisations gained more powerful voices. Participation in the cross-party campaign gave Labour greater credibility on devolution, but it also forced them to make significant compromises (Mitchell 1998: 490). For example, the need to agree a deal with the Liberal Democrats forced the Labour Party to think much more seriously about accepting proportional representation for the Scottish Parliament. The aspirations of civic Scotland for a different style of politics from Westminster also became more prominent. The key question for this research is what led Labour to take part in the Convention. Many academics interpret their behaviour as a pragmatic response to the SNP surge following the 1988 Glasgow Govan by-election (Denver et al, 2000: 33; Lynch 1996). This chapter builds on insights in new institutional literature and offers a competing explanation, which puts much greater emphasis on the role of agency.

This chapter focuses on Donald Dewar's role as a 'policy entrepreneur', actively making the case for the Scottish Constitutional Convention within the Labour Party. I

will argue that his own experience of the 1979 referendum had convinced him of the need to build a broad-based campaign for devolution.⁸⁷ Understanding new innovations and departures requires the researcher to build a rich and detailed picture of the circumstances in which actors form preferences and build coalitions (Blyth 2002: 8). According to the minutes of the Scottish Parliamentary Labour Group, Dewar won support from MPs to begin negotiations with other parties about a Constitutional Convention at their meeting, in October, a month before the Glasgow Govan by-election.⁸⁸ At this time the growing internal revolt over the Poll Tax and the emergence of the left-wing pressure group Scottish Labour Action, who were advocating a non-payment campaign, were much more significant factors than the electoral threat posed by the SNP. Whilst the demands of Labour Party activists were often reported as a challenge to Dewar's leadership, they also provided him with the resources and opportunity to win the case with more cautious colleagues for taking a more radical stance on the Constitutional Convention.

II. The Significance of the Scottish Constitutional Convention

This section will explain and justify why the establishment of the Scottish Constitutional Convention was a critical juncture, or 'constitutional moment' in the devolution debate. The work of the Scottish Constitutional Convention can be divided into two distinct periods. The first led up to the publication in 1990 of *Towards Scotland's Parliament*, which formed the basis of the scheme presented to the electorate in the 1992 general election. The second phase produced a much more detailed, but arguably less ambitious set of proposals published, in 1995, in *Scotland's*

⁸⁷ Sam Galbraith, interview 12 August 2002 (Glasgow)

⁸⁸ Scottish Parliamentary Group Minute 172, 20 October 1988

Parliament, Scotland's Right. For example, the proposal to assign income tax receipts and if possible VAT raised in Scotland to the Scottish Parliament was removed. Academics disagree on the extent to which the Convention's final report constitutes a blueprint for the Scotland Act 1998. The electoral system designed by the Convention is one of the clearest examples of its influence on the devolution legislation, as the proposals were adopted wholesale (Lynch 2001: 21). The inclusion of proportional representation was a remarkable concession by the Labour Party. Electoral reform effectively deprived Labour of the prospect of running Scotland on its own (Mitchell 1988: 488). However, there were also significant changes from the Convention scheme in the final legislation. Paterson et al point out that the Scottish Office adopted proposals from the Constitution Unit to specify the list of reserved powers, rather than those that would be devolved (Paterson et al 2001: 9-13).

The high degree of cross-party co-operation that was involved in the Convention was a very unusual phenomenon in British or Scottish politics at the national level (Himsworth & Munro 1998: 20). The Labour Party's decision to make common cause on devolution with their political opponents reversed decades of hostility to cross-party campaigning. During the 1970s Labour had taken a much more tribal position. Wood notes that, "the Scottish Council piously insisted in its 1978 Annual Report, when 'other political parties attempted to lure the Labour Party into all party alliances' it was decided that, 'the Labour Party, together with the Co-operative Party and the STUC, were unique in their commitment to devolution for its own sake, so attempts to form all party fronts have been resisted'" (Wood 1989: 124). During the 1979 referendum campaign, the General Secretary of the Labour Party in Scotland, Helen Liddell, went further when she was quoted as saying that the party would not

be, “soiling our hands by joining any umbrella Yes group” (Mitchell 1998: 488). Labour’s hostility towards cross-party campaigning continued into the 1980s. For example, the Scottish Parliamentary Group had a policy of having nothing to do with the cross-party Campaign for a Scottish Assembly, which was formed a few months after the election of the Thatcher Government.⁸⁹ Their agreement to work with their political opponents in the Scottish Constitutional Convention was therefore a significant change (Mitchell 1998: 488).

Institutions mediate the circumstances in which political actors operate (Lowndes 1996). The Scottish Constitution Convention was a new institutional setting that gave different actors and organisations more powerful voices and leverage over the policy debate. As James Mitchell describes, the process had both costs and benefits for the Labour Party:

“Labour’s involvement in the Convention was used by the leadership as Harold Wilson had used the Royal Commission on the Constitution set up in 1968 following the SNP victory in the Hamilton by-election. The party would ‘spend years taking minutes’ and also allowed the Labour Party to appear co-operative. Labour’s involvement with the Liberal Democrats, trade unions, local authorities, churches and others allowed it to appear like Scotland’s national party. The Convention was a useful tool in changing the party’s image, but it had a cost. At some stage it would have to agree a scheme and deliver it” (Mitchell 1998: 490).

The Convention gave devolution the appearance of being a national project and enabled Labour to position itself as the best representatives of Scotland’s national

⁸⁹ Minute 112d, Scottish Parliamentary Labour Group, Executive Committee, 31 January 1984

interest. However, this came with a strong expectation that the party would be capable of reaching an agreement that could command broad support. This meant that they would have to make concessions to their political opponents. Specifically, the commitment that major decisions would be made by consensus put the Liberal Democrats in a much stronger position to argue for proportional representation. Harvie and Jones argue that reaching agreement was “slow and tortuous” and that depriving Labour of the prospect of running Scotland on its own “needed the most careful wooing of trade union delegations” (Harvie & Jones 2000: 154-155).

The Scottish Constitutional Convention also gave civic Scotland a more prominent place in the devolution debate, which had important consequences for the political culture of the Scottish Parliament. Alice Brown argues that, “a fundamental aim of the constitutional planners was to find a different way to ‘do politics’ and to build a different political culture in Scotland” (Brown 2000: 554). This aspiration for a ‘new politics’ in both process and policy has been described as devolution’s “added value” (Hassan 2002: 7). This was reflected in the Constitutional Convention’s final report, which set out a vision of a Parliament that would be more modern and up-to-date than Westminster:

“We have emerged with a powerful hope that the coming of a Scottish Parliament will usher in a way of politics that is radically different from the rituals of Westminster: more participative, more creative, less needlessly confrontational... a culture of openness that will enable the people of Scotland to see how decisions are being taken in their name, and why. The Parliament we propose is much more than a mere

institutional adjustment. It is a means not an end.”⁹⁰

Although the competing interests of political parties have ensured that Scottish politics retains its adversarial quality, the high ideals of many home rulers are reflected in the achievement of greater representation for women in the Scottish Parliament. Women took 37.2 per cent of seats in the first Parliament (Russell et al 2002; Mackay & Kenny 2007). The aim of observing more ‘family friendly’ hours has also been achieved, with Parliament sitting during normal working hours and observing the school holidays. Most academics agree that the involvement of Scottish civil society in the cross-party campaign for home rule also helped to gather support for the project and deepen Labour’s commitment to devolution (Denver et al 2000: 36).

The Scottish experience contrasts sharply with what happened in Wales, where the Labour Party was much more divided on devolution and there was no cross-party organisation (Williams 2000; Keating 1998: 225). Wyn Jones and Lewis note that, “when plans were mooted at the 1992 Wales TUC Conference for a Welsh Constitutional Convention closely modelled on the Scottish set-up, they were swiftly rejected by the Wales Labour Party Executive” (Wyn Jones & Lewis 1999: 41). Instead of participating in a forum that it could not control, the Labour Party in Wales established an internal Policy Commission to produce a blueprint for a Welsh Assembly. The consultation process involved a series of six public meetings around Wales, but the plan that emerged was largely the result of a closed discussion inside the party. Former Secretary of State for Wales, Ron Davies, who is now an

⁹⁰ Scottish Constitutional Convention (1995) *Scotland’s Parliament, Scotland’s Right* (Edinburgh, Convention of Scottish Local Authorities)

independent member of Caerphilly Council, says: “The Labour Party in Wales had always taken the view that it was for it to decide its own policy and what was good for Wales. Its paranoia about Plaid Cymru and the Welsh language determined its view that it could and should not talk to other parties.”⁹¹ As Davies comments suggest, many Labour Party members in Wales continued to be hostile towards devolution.

The creation of the Scottish Constitutional Convention was therefore a crucial ‘constitutional moment’ in the political processes that led to the devolution settlement. It meant that the Labour Party’s proposals for Scottish devolution were developed as part of a much wider and more open discussion than had taken place in the 1970s or in other parts of the UK. The cross-party campaign has also provided a blueprint for the achievement of constitutional change, which means that its significance can still be felt today. For example, the Welsh Labour Party and Plaid Cymru established an All Wales Convention as part of their coalition deal, in 2007, to look at more powers for the Welsh Assembly. The proposal was self-consciously modelled on the Scottish Constitutional Convention and included representatives from the four main political parties and a broad range of civic institutions. The Calman Commission, established in December 2007 to review devolution in Scotland, also reinforced the idea that constitutional change should be discussed on a cross-party basis. Thus, one of the Constitutional Convention’s most important political legacies is that it has changed the way we ‘do politics’.

III. The Campaign for a Scottish Assembly

⁹¹ Letter from Ron Davies to Andrew McFadyen, 6 February 2011

The idea of a Scottish Constitutional Convention had a long history in the home rule movement. The Scottish Home Rule Association called the first National Convention in November 1924 following the failure of Labour MP George Buchanan's home rule bill. Eight MPs and 116 members of the Scottish Home Rule Association attended the meeting, which elected a committee tasked with drafting a new home rule bill. Their report was presented two years later at the second session of the National Convention, in October 1926, which received the support of 29 MPs and was attended by 28 Scottish local authorities. They proposed that Scottish MPs should withdraw from Westminster and Scotland should have dominion status on a par with Canada, Australia and New Zealand. This scheme formed the basis of Motherwell MP Rev James Barr's unsuccessful bill, which was talked out in the House of Commons. The failure of this bill led some members of the Association to split off and form the National Party of Scotland, which later became the modern Scottish National Party (Brand 1978: 178-179; McLean 1990a: 20).

In 1942, former ILP activist and founding member of the SNP John MacCormick made another attempt to gather support for home rule under the banner of a 'Scottish Convention'. His efforts eventually led to the National Covenant campaign, which grew out of a meeting involving some 600 delegates from town councils, churches and trade unions in the Church of Scotland Assembly Hall, in Edinburgh. The Covenant was a mass petition that said, "we pledge ourselves in all loyalty to the Crown and within the framework of the United Kingdom, to do everything in our power to secure for Scotland a Parliament with adequate legislative authority in Scottish affairs" (McLean 1990b: 8; McLean 2005: 30). Within six months of its launch in 1949, over one million people had signed it. The Covenant was a major

cross-party and extra-parliamentary demonstration of support for Scottish autonomy. However, the Attlee Government refused to engage with the campaign and it was unable to sustain its momentum or achieve any significant progress (McLean 1990b: 8; Denver et al 2000: 30).

The significance of these earlier campaigns is that the idea of a Constitutional Convention had a strong resonance with those who knew the history of the Scottish home rule movement. It implied that a Scottish Parliament was something that could be built from the ground-up by activists and campaigners. It also transferred the constitutional debate away from Westminster, where it was largely monopolised by MPs, and back to Scotland. The proposal for a 'National Convention' to help build support for home rule was one of the original objectives of the Campaign for a Scottish Assembly, which held its launch on 1 March 1980 in Edinburgh Trades Council Hall. The date was chosen as the anniversary of the referendum a year earlier (Denver et al 2000: 32-33; McLean 2005: 47). The CSA included well-known Labour Party activists, like Jim Boyack. The former Scottish Office civil servant Jim Ross served on the CSA's Executive Committee and its founders also included some prominent members of the SNP's gradualist wing like Isobel Lindsay. The nationalist-leaning Strathclyde University academic Dr Jack Brand was its first Chairman (Marr 1992: 196).

The left-wing former Labour MP Dennis Canavan argues that, "The formation of the CSA turned out to be the most important home rule initiative during the 1979-83 period" (Canavan 2010: 204). Despite receiving support from individuals such as Canavan, the Labour Party at an official level was initially sceptical about the cross-

party campaign. Labour's former General Secretary Murray Elder dryly recollects that, "I don't think the original Campaign was seen as a particularly constructive element in the mix of Scottish politics."⁹² The Labour leadership saw the group as too close to the SNP. Donald Dewar, who was then a frontbench spokesman on Scottish affairs, told the *Glasgow Herald* that Labour would work for devolution through the established party system, "rather than through this pressure group".⁹³ One prominent Scottish Labour MP, Martin O'Neill, who went on to serve as Shadow Defence Secretary in Neil Kinnock's Shadow Cabinet, even objected to correspondence from the CSA being discussed by the Group Executive. The minutes of a meeting held in January 1984 record that a circular letter from the Secretary of the CSA was received and noted, "Mr O'Neill said that in his view correspondence of this nature ought not to be brought to the Executive, as the Group had a policy of having nothing to do with the Campaign, as a Group."⁹⁴

The CSA's proposal for a Scottish Constitutional Convention met with similar hostility. On 16 July 1985 the CSA's representatives – Jim Boyack, Greg McCarra and Jim Ross – attended a special Group meeting to discuss the issue. According to the minutes, only eight out of 41 Scottish Labour MPs turned up and none made positive comments: "John Maxton expressed reservations about the Constitutional Convention. He argued that no people, other than elected MPs could form the body of such a convention: and secondly, that a Devolution Bill would have to be introduced on the floor of the House."⁹⁵ Maxton's reservations are particularly significant when

⁹² Murray Elder, interview 22 January 2007 (London)

⁹³ *Glasgow Herald*, 15 February 1982

⁹⁴ Scottish Parliamentary Labour Group, Executive Committee Minute 112d, 31 January 1984

⁹⁵ Scottish Parliamentary Labour Group, Minute 113, 16 July 1985

we consider that at the time he was organising the Labour Party's consultation on the Green Paper. Other members echoed his view that any representative body must be composed of MPs and the only way to deliver devolution was through a Labour government at Westminster. East Lothian MP John Home Robertson, "urged the CSA to be clear about the membership of the proposed Convention. He suggested that if it was made up of a broad selection of MPs, local councillors and academics, it would lack political credibility." Glasgow Central MP Bob McTaggart added that, "the only way to achieve a Scottish assembly was to obtain a friendly government, ie Labour: and that the real issue that needed to be discussed was the powers of such an Assembly, e.g. revenue raising etc"⁹⁶ These comments suggest that, at this stage, there seemed little prospect of Labour agreeing to back the CSA's proposals.

The 1987 general election put new heat into the constitutional question and triggered a wider strategic debate in the Labour Party. Margaret Thatcher was returned to Downing Street with a huge majority based on support from voters in England, but the number of Scottish Conservative MPs fell from 21 to 10. The seats they lost included those hitherto held by two Scottish Office ministers, the Scottish Whip and the Solicitor General for Scotland. The Conservatives were so bereft of Scottish talent that the Secretary of State Malcolm Rifkind had trouble staffing his ministerial team (Naughtie 1989: 166). In contrast, Labour won a record 50 seats and the Scottish Parliamentary Group was even bigger than in the landslide year of 1945 (Patterson 1998: 143-144). No previous election had shown such a divergence in voting patterns between Scotland and England. John Bochel and David Denver calculated that the difference between the Conservative lead in England & Wales and the Labour lead in

⁹⁶ Scottish Parliamentary Labour Group, Minute 113, 16 July 1985

Scotland was a staggering 33 points (Bochel & Denver 1988). Susan Deacon neatly encapsulates the strategic dilemma that now confronted Donald Dewar and the Scottish Labour Party:

“Labour had a choice, with 50 MPs to the Tories’ 10 and a virtual monopoly of Scottish Local Government, they could either challenge the Tories’ mandate in Scotland and throw away the Westminster rule book; or they could play safe, hang fire and trust that the Scottish people would wait until England voted Labour too” (Deacon 1990: 63).

Margaret Thatcher’s election for a third successive term further undermined the legitimacy of UK state institutions in Scotland. Malcolm Chisholm, who went on to become the MP and MSP for Edinburgh North & Leith, recalls that this was the moment when he became convinced of the case for a Scottish Parliament, “It was like a conversion on the road to Damascus. It was the day after the 1987 general election when Margaret Thatcher had just got back in. We had got our best ever result in Scotland and I woke up thinking that devolution was the only way to protect Scotland from Thatcherism.”⁹⁷ The Scottish political debate became more distinctive from the UK as a whole and more intemperate. Shadow Health Minister Robin Cook, who had once been a high-profile opponent of devolution, now described the Conservatives’ moral right to legislate on Scottish domestic affairs as a “hollow sham”.⁹⁸

Opposition to the Conservatives in Scotland crystallized around the Poll Tax, which formed the central part of the legislative programme in the 1986 Queen’s Speech and

⁹⁷ Malcolm Chisholm, interview 26 March 2009 (Edinburgh)

⁹⁸ *Glasgow Herald* 3 September 1987

received Royal Assent in time for Margaret Thatcher to announce it at a pre-election Conservative Conference (Denver et al, 2000: 29-32; Mitchell, 2003: 37). This deceptively simple proposal to reform local government taxation was that each elector should pay the same amount, regardless of income. Critics of the new tax claimed that it was unfair and regressive. The fact that the Poll Tax was introduced in Scotland a year before the rest of the UK also led to the perception that the Scots were being treated as guinea pigs for unpopular policies. The message that a Scottish Assembly would have stopped the Poll Tax was simple and powerful. This was a significant change from the early 1980s, when people had not automatically made the connection between issues such as unemployment and the constitutional question. The former Greenock MP Norman Godman, who was deeply involved in the campaign to save Scott Lithgow shipyard in his constituency, says, “it wasn’t always the case of indifference or hostility to a ‘Mickey Mouse parliament’ but that MPs, and more particularly their constituents, had much more serious issues to confront.”⁹⁹ The campaign against the Poll Tax resonated with arguments for Scottish self-government.

In this new context, Jim Ross and Alan Lawson, who edited the left-wing journal *Radical Scotland*, saw an opportunity to renew the argument for a Scottish Constitutional Convention. Ross describes how he took the proposal for an ‘independent committee’, which would provide greater credibility and respect from the political parties, to the CSA Executive:

“Since the middle eighties I had had a close political partnership with Alan Lawson, the Editor of *Radical Scotland*. We were both members of the Executive Committee of CSA and were a complementary partnership. Alan moved freely in a wide range of

⁹⁹ Godman, Norman interview 22 September 2010 (Edinburgh)

circles and could take the pulse of active devolutionary opinion. I stayed more at home but had my government experience, my practice in drafting political documents and my acquaintance with Donald and a number of other Labour MPs. In October 1987 we jointly devised a proposal for a committee of, relatively, prestigious people to study the general question of the government of Scotland and produce a report which could be published. The report would be presented to CSA and the objective was to produce a document which would both cause a significant amount of public discussion, lend CSA substantially greater credibility as a political player and generally increase the feeling that Parliamentary politics were failing in Scotland.”¹⁰⁰

The Campaign for a Scottish Assembly agreed to establish a 16-strong constitutional steering committee, which was chaired by Professor Sir Robert Grieve, a distinguished town and country planner. The committee was asked to report on, “All aspects of the case for forcing Parliamentary action by setting up a Constitutional Convention for the express purpose of creating a Scottish assembly” (Kenyon Wright 1997: 30-31). The CSA had no paid staff and very little money, so Ross himself volunteered to act as Secretary and, in effect, take on the job of writing the report (Macwhirter 1990). The document he produced after some months of steady work, *A Claim of Right for Scotland*, presented a powerful case for a cross-party constitutional convention to agree a scheme for Scottish self-government and then campaign for its implementation: “In the absence of a Government initiative, spontaneous and urgent action to set up a Scottish Constitutional Convention is essential. No other form of challenge is likely to prove as effective.”¹⁰¹ The Claim of Right, which also included proposals on the membership and remit of the Convention, was launched at a press

¹⁰⁰ Letter from Jim Ross to Andrew McFadyen 6 June 2004

¹⁰¹ Report of the Constitutional Steering Group to the Campaign for a Scottish Assembly (1988), *A Claim of Right for Scotland* p27

conference at the Roxburghe Hotel, in Edinburgh's Charlotte Square, on July 13th 1988.

Bob McLean notes that, "For a document now regarded as the intellectual basis for Scottish home rule, its publication was not universally heralded. Scottish Television's news coverage ignored the Claim totally" (McLean 2005: 108). The reaction from Scotland's political parties was mixed. The Scottish Liberal Democrat leader Malcolm Bruce was enthusiastic about the plan, which he immediately welcomed as a serious contribution to the constitutional debate.¹⁰² Some sections of the SNP were suspicious about being drawn into a campaign that fell some way short of independence, but there was a broad expectation that the party would also offer its support for the project. The SNP's Gordon Wilson had first called for a Constitutional Convention in June 1983. He argued that it would be, "a mechanism to take the debate on Scotland's constitutional structure away from London's inbuilt inflexibility. Its purpose was to allow representatives of the Scottish people, whether MPs or separately elected, to direct Scotland's future within Scotland" (Marr 1992: 199). In contrast, the Labour Party was initially sceptical about the *Claim of Right* and Dewar's reaction was accordingly non-committal:

"The Labour Party supports constitutional reform and believes there is an overwhelming case for change to meet and accommodate Scotland's needs. The proposals that have come from the Campaign for a Scottish Assembly must be seen in this context and will be measured against our determination to secure a more sensitive and effective form of government for Scotland within the framework of the

¹⁰² *Glasgow Herald* 14 July 1988

UK.”¹⁰³

The Labour Party’s official position was that such a major decision would need to be taken by full conference in March, the following year.¹⁰⁴ This was a much longer timetable than that envisaged by the Constitutional Steering Group and would effectively have stalled progress. Privately Dewar was said to be concerned about the failure to address the question of how to take the issue forward if the Government continued to ignore the demands of the Scottish people was left unanswered (Macwhirter 1990). His cautious attitude also reflected the scepticism of his leader Neil Kinnock, who created headline news at the March 1988 Scottish Labour Conference when he told BBC Scotland that a Constitutional Convention would not get much support at all from the party.¹⁰⁵ The key issue for this chapter is what caused the Labour Party to change its position and take a leading role in the cross-party campaign?

IV. Competing Explanations for the Labour Party’s Participation in the Scottish Constitutional Convention

This section will present a detailed discussion of competing explanations for the Labour Party’s decision to participate in the Scottish Constitutional Convention. As I have described, the academic consensus is that Jim Sillars’ unexpected victory in the Glasgow Govan by-election was the key event in pushing the Labour Party to reverse

¹⁰³ Donald Dewar, Labour Party Press Release, 13 July 1988

¹⁰⁴ Labour Party Press Release, 13 July 1988

¹⁰⁵ Neil Kinnock, interviewed by Kirsty Wark on “Left, Right and Centre: Conference ’88, Labour Party in Scotland”, BBC Scotland, 11 March 1988

its previous opposition to cross-party campaigning. David Torrance argues that, “What eventually pushed the Labour Party into unequivocal support for the Scottish Constitutional Convention, was the bombshell of the Glasgow Govan by-election in November 1988. Won by former Labour MP Jim Sillars with a swing of more than 20 per cent to the SNP in a supposedly safe Labour seat, it was a wake-up call to the main opposition party’s prevaricating” (Torrance 2009: 189). Peter Lynch describes Labour’s shift towards the Convention as a post-defeat exercise in agenda management designed to ensure that devolution rather than ‘independence in Europe’ remained the primary constitutional option (Lynch 1996). Denver et al argue in similar terms that, “Labour’s leadership considered that it would be safer to become involved in a Convention in which its members and supporters would have a clear majority than to stand aside” (Denver et al 2000). This explanation stresses the structural context rather than the role of individual political actors in making policy and shaping change. There is some evidence to support this interpretation of events, which I will discuss in detail. However, I will also explore two alternative accounts stressing the significance of the internal institutional context and the role of agency in the Labour’s Party’s decision to take a leading role in the Scottish Constitutional Convention. Specifically, it was Donald Dewar who forced the pace and pushed his party towards the cross-party campaign.

Gubbed in Govan.

As I have described, in the 1970s the Labour Party in Scotland refused to participate in cross-party campaigns on devolution and there are very few precedents for the high degree of cooperation between political parties that was involved in the Scottish

Constitutional Convention (Mitchell 1998; Himsworth & Munro 1998). Few people would have predicted the Labour Party's voluntary participation in the cross-party campaign. This has led many academics to focus on the way in which the SNP surge following Jim Sillars' crushing victory in one of Labour's safest seats forced the party to reassess its attitude towards the Convention (Denver et al 2000; Lynch 1996). It seemed that Labour's position as Scotland's dominant party was under threat and they needed to find a political response. Sillars himself argues that the by-election empowered and emboldened home rulers in the Labour Party, "We provided them with an opportunity to press their case inside the British Labour movement and have a case that the British Labour movement from a unionist point of view, total unionist point of view, could not contradict."¹⁰⁶

The Glasgow Govan by-election was triggered when the sitting MP, Bruce Millan, who had served as Scottish Secretary in Jim Callaghan's Government, was appointed as a European Commissioner. His majority in the 1987 general election was 19,509, one of the biggest in Scotland, and he received 64 per cent of the vote. Although Margo MacDonald had briefly held Govan for the SNP following her famous by-election win, in November 1973, the Nationalists had slipped to fourth place in the intervening years. The seat was therefore regarded as a Labour stronghold. The party was also performing well in the opinion polls at a national level. There was growing evidence that a majority of electors, including 51 per cent of Labour supporters, believed that Scottish Labour MPs had been ineffective in promoting Scottish interests within Parliament (Mitchell 1998: 487). But the most recent System Three survey, published at the beginning of October, showed Labour's support was at 47%,

¹⁰⁶ Jim Sillars, interview 14.5.09 (Edinburgh)

while the SNP had sunk to just 19%.¹⁰⁷ There was therefore a degree of complacency in the Scottish Labour Party about Bruce Millan's resignation and few serious observers expected an upset.

In fact, it was not until quite late in the campaign that Labour MPs and staffers began to be concerned that support was slipping to the SNP. At the beginning of November, ten days before the poll, Labour's frontbench spokesman on Scottish Affairs John Maxton, who represented the neighbouring constituency of Glasgow Cathcart, reported to MPs that, "the Govan by-election campaign is going well; but there needs to be a sustained commitment from members of the Group over the next week in order to counteract any serious slippage in our vote; and to answer personally criticism about "non-delivery"."¹⁰⁸ There is no suggestion here that he thought Labour would lose, but his comments do suggest he was concerned about a swing to the SNP. Labour's Scottish Organiser Jimmy Allison, who was the agent in the by-election, was also becoming increasingly unhappy about the poor performance of the candidate:

"I first sensed a major problem at Govan 10 days before polling day. I was just finding something wrong. I was uneasy about the atmosphere. Then 10 days before polling day we had one of those awful press conferences. It was awful, just awful. The candidate had a complicated brief and it was too complicated for him. The whole press conference was badly handled. My instincts were telling me that there was a change on. I didn't like it but I couldn't pin it on anything scientific. The polls were showing that there was an unusually high percentage of 'don't knows'. Then, by the Saturday there were far too many people who I have a high regard for telling me what they were

¹⁰⁷ Glasgow Herald 1 October 1988

¹⁰⁸ PLP: Scottish Executive Committee, Minute 269, Tuesday 1 November 1988

feeling and I knew what was happening. Votes were on the move.”¹⁰⁹

The Labour candidate Bob Gillespie was a left-wing trade union official with ‘Hong Kong’ tattooed on his knuckles. He was not equipped to deal with the intense scrutiny of a by-election campaign and compared badly to the experienced SNP candidate Jim Sillars. Labour’s Assistant Scottish Organiser Gerald O’Brien wrote in his submission to the party’s internal inquiry that, “Selecting Bob Gillespie to fight the seat meant that the campaign was flawed from the start.”¹¹⁰ Scottish Television’s live debate on the Monday before polling was a particular embarrassment. Gillespie struggled to answer a question on the European Community and ‘subsidiarity’; it was obvious that he did not know what the word meant.

Unfavourable comment was also passed on the poor condition of the local Labour Party in Govan. Senior Organisation Officer John Braggins pointed out that local party membership was only 170 and many of those were of retirement age: “The lack of workers meant we were unable to consider anything other than a possible first canvass of most areas.”¹¹¹ By way of contrast, the Nationalists recruited an army of workers from all over Scotland. Over 500 supporters turned out for the SNP on one day alone, giving them a much greater street presence. Colin Byrne, a Labour Party press officer who was drafted up from London for the campaign, recalls that, “the only story in town was a resurgent SNP with the charismatic Jim Sillars as their candidate and The Proclaimers (then in their heyday) were driving round Govan on the back of a flatbed truck urging everyone to kick Labour where it hurt.”¹¹² The SNP made the Poll Tax the big issue of the campaign. Jim Sillars used it as an example of

¹⁰⁹ *The Glasgow Herald* 16 May 1989

¹¹⁰ Gerald O’Brien, “Govan Parliamentary By-Election Report”, 6 December 1988

¹¹¹ J Braggins, “Govan Parliamentary By-Election 10 November 1988” 21 December 1988

¹¹² Colin Byrne, “Glasgow Memories”. *Total Politics* 7 July 2008

Labour's weakness in the face of the Conservative Government's majority at Westminster and even appeared on the ballot paper as 'SNP Anti-Poll Tax Candidate'. He won the election with a massive 33 per cent swing and a majority of 3,554.

There were immediate and public calls from well-known Scottish Labour activists, like Bob McLean for the party to adopt a more radical strategy on home rule. He told the newspapers, "I can only hope that this ends all the doubts and that Labour will now be a very active participant in the moves towards a Scottish constitutional convention."¹¹³ The very next day, on November 12th 1988, Labour's Scottish Executive Committee agreed that negotiations should take place with the SNP and the Liberal Democrats on the Constitutional Convention. It is easy to see these two events as linked. Labour's own internal inquiry into the defeat underlined the frustration of the electorate with their failure to protect Scotland from Thatcherism. The NOP Exit Poll conducted for the BBC found that the most important issue among voters surveyed outside polling stations was "representing Scotland's interests", selected by 32% of respondents. Furthermore, more than half believed that Scotland's Labour MPs were doing a 'Fairly Bad' or 'Very Bad' job. Labour's Scottish Researcher, Wendy Alexander, concluded in her submission to the party's inquiry that Labour needed to put much greater emphasis on its commitment to home rule:

"Clearly one lesson is for the Labour Party in Scotland to address the 'Scottish Question' with a greater urgency. The exit poll demonstrated the importance of representing Scotland's interests and the message seemed to be that stars in Westminster are not enough – Thatcher still continues. I certainly think it was a

¹¹³ *Glasgow Herald* 11 November 1988

mistake for us not to be more upfront in our commitment to devolution, and a Scottish Assembly, and perhaps through the proposed Constitutional Convention (although our consultation exercise might have made this difficult). None of the above were the talk of Govan, but they do address the growing desire amongst the Scottish electorate to find some form of distinct identity within the UK.”¹¹⁴

Alexander’s comments about the need to put devolution at the heart of Labour’s political platform were echoed in a separate report from the Shadow Communications Agency, which was a largely voluntary group of advertising and market research professionals established by Peter Mandelson to provide the Labour Party with qualitative polling through focus groups (MacIntyre, 1999: 88). The main conclusion of a study they conducted among voters who switched from Labour to the SNP in Govan was that to win them back Labour needed to focus on Scotland and Scottish issues more.¹¹⁵

There was also pressure from the trade unions for Labour to adopt a more distinctively Scottish political platform. The STUC General Council produced a report, which said that the electorate was looking for a candidate who would ‘drive forward to get Mrs Thatcher off Scotland’s back’. They presented the Scottish Constitutional Convention as a test of Labour’s commitment to devolution:

“The key area, however, where the General Council believes that the Govan electors were critical of the Labour Party stance, was in the area of the National Question. It is clear from polls before, and during the campaign, and from the exit polls, that

¹¹⁴ Wendy Alexander, Submission to Govan Inquiry (1998)

¹¹⁵ Shadow Communications Agency, “Govan: Attitudes among SNP voters (Labour promises) post by election” (19 December, 1988)

while rejecting separatism, and rejecting the Thatcherite policies of the Scottish Office, the electorate was giving support to the candidate who they believed would be “best for Scotland”. In this respect the General Council believes that the Labour Party’s perceived reluctance to embrace the concept of the Scottish Convention; the party’s apparent unwillingness to move markedly beyond the 1978 Act, in the economic powers that a Scottish Parliament would have, in the Devolution Bill they put to Parliament last January; and the lack of campaigning throughout Scotland on the question of devolution by the Party; all added up to the feeling by the electorate that there was a need to look elsewhere than Labour for a candidate who would drive forward to get Mrs Thatcher off Scotland’s back. In the view of the General Council, the Labour Party and the entire Labour Movement must show greater enthusiasm, drive and determination in campaigning on the question of devolution. We must go into the proposed Scottish Constitutional Convention with a willingness to work with all the other forces in Scotland which want greater devolved powers; we must be willing to see a Scottish Parliament/ Assembly with real powers of intervention in the Scottish economy along the lines spelt out in the STUC policy document “Scotland – A Land Fit for People”; we must go into the Constitutional Convention process on the basis that a consensus can be achieved on the structure and powers of a meaningful Scottish Assembly; and we must identify how we will take the issue forward if the Government continues to ignore the clear demands of the Scottish people.”¹¹⁶

The strident language adopted by the STUC shows how defeat in Govan caused a crisis of credibility for the Scottish Labour Party. There was a consensus including party staff, marketing professionals and trade unions that the party needed to adopt a more distinctive Scottish stance to take on the Conservatives. In these circumstances,

¹¹⁶ STUC (1988) “The Govan By-Election: Comments on the Reasons for the Result by the General Council of the Scottish Trades Union Congress” (December) p6-7

the leadership had little choice but to reconsider its attitude towards the Scottish Constitutional Convention and embrace the cross-party campaign. The Labour Party also feared that if they did not participate it would now happen anyway and could go on in open hostility towards them. Jim Ross argues that, “it was undoubtedly part of the purpose of Donald Dewar and his closest colleagues to ensure that the Constitutional Convention did not go beyond the normal means and conventions of political pressure.”¹¹⁷ This explanation stresses the way in which new policies and institutional innovations emerge as actors respond to external challenges.

Scottish Labour Action and the Poll Tax

All sides agree that the Glasgow Govan by-election energised Scottish politics. Iain Macwhirter, who was then the BBC’s Political Correspondent, wrote that, “After Govan, Scotland became a news story again. Foreign camera crews, and newspaper journalists began trekking across the country looking for the answer to the ‘Scottish Question’” (Macwhirter 1990: 26). However, documentary evidence shows that the defeat was not the trigger for the Labour Party’s participation in the Scottish Constitutional Convention. In fact, Labour’s Scottish Executive Committee had begun an internal consultation exercise on the CSA’s proposals in August 1988 (Macwhirter 1990). The Scottish Parliamentary Labour Group discussed the issue and had already agreed to back the Convention at their meeting in October, when the Labour leadership still expected to hold the seat.¹¹⁸ This positive decision can be understood with reference to the internal context in which actors were operating. Donald Dewar was facing a growing internal revolt from grassroots activists who were primarily

¹¹⁷ Letter from Jim Ross to Andrew McFadyen 6 June 2004

¹¹⁸ Scottish Parliamentary Labour Group Minute 172, 20 October 1988

motivated by opposition to the Poll Tax and wanted Labour to adopt more radical tactics to challenge the Thatcher Government.

By tracing the political process we can see that Labour's own members were pushing the party towards a more devolutionist position before the Glasgow Govan by-election. The Labour Party published a new Scotland Bill, in November 1987, and it was presented as the sole subject of debate at a special Scottish Labour conference. The bill was heavily based on the scheme presented in the 1984 Green Paper. It proposed a Scottish Parliament with powers to vary the rate of income tax and control aspects of policy exempt from the 1978 legislation, such as the universities and forestry (Deacon 1990). The organisation of a special conference showed how the constitutional question was moving back up the political agenda, but it was not enough for many activists who wanted to see campaigning initiatives on the Poll Tax and a commitment to expose the Conservative Government's lack of a specific Scottish mandate. McLean comments that, "It was the disappointments at the Special Conference that prompted the formation of Scottish Labour Action" (McLean 1990b: 42).

The emergence of Scottish Labour Action (SLA) at the March 1988 Scottish Labour Conference sharpened the Labour Party's internal debate. Their founding statement, issued on March 3rd 1988, asserted that the Labour Party had fought the election on a clear commitment to establish a Scottish Assembly and had received an overwhelming mandate to pursue that course. SLA used nationalist language in linking their opposition to the Poll Tax to the claim that the Conservatives had no mandate to run Scotland:

“We have to realise that the Government will not move on the issue of the Assembly without some coherent expression of opposition. In this regard, the Poll Tax is both a challenge and an opportunity. Electoral opposition to this measure has been clearly demonstrated by the results of the 1986 regional and 1987 general elections and in several opinion polls. There is no doubt that no democratically elected Assembly would proceed with this measure. We advocate obstruction and civil disobedience in the implementation of the Poll Tax leading to a mass campaign of non-payment of the tax. We advocate this course of action as a rejection of the tax in principle, because non-payment is very likely to stop the poll tax, and also as an expression of Scotland’s national rejection of this measure and of the Government’s authority to introduce it. To this extent, Neil Kinnock’s rejection of non-payment is irrelevant based as it is on a UK perspective and recognition of the Government’s mandate for the tax in England. In Scotland, the campaign should be for “no taxation without representation”. ”¹¹⁹

The group also advocated non-cooperation with the Government at Westminster in the conduct of Scottish business and greater autonomy for the Scottish Labour Party, including the right to appoint its own full-time officials and direct elections for the party’s Scottish front bench by the Scottish group of MPs. SLA were pursuing goals different from, and even subversive to, the party leadership (Naughtie 1989; 169).

SLA was supported by a small number of left wing MPs - including George Galloway, John McAllion and Dennis Canavan – but its leadership was largely composed of constituency activists and a few younger councillors. They were a group of relatively young people without the patronage of senior Shadow Cabinet ministers or trade unions taking on the party establishment. In this sense, SLA represented both

¹¹⁹ Scottish Labour Action, Founding Statement, 3 March 1988

a generational and a political challenge to the party leadership. One of its founder members, Jack McConnell says that, “there was a perception amongst many of us at that time that the Labour Party was too committed to a purely Westminster debate style of challenge to that Conservative agenda, which was unlikely to reap any rewards because of the numbers in Parliament and we wanted to see a more home based, direct challenge to the right of the Conservatives to rule in Scotland.”¹²⁰

The group’s grassroots appeal could be gauged by its success in getting its members elected to the Labour Party’s Scottish Executive Committee, where they were one of the biggest factions (Macwhirter, 1990: 23-24; Deacon 1990). SLA’s call for a non-payment campaign resonated widely with the left of the party and the divisions within the party over this issue went as high as the frontbench. The then Shadow Health Secretary Robin Cook told MPs at a Group meeting in June 1988 that “we are running out of alibis for not facing up seriously to the non-payment option.”¹²¹ He advocated setting up a committee of 100 prominent people who would all refuse to pay the poll tax. A significant minority of the Group supported Cook’s approach, but George Robertson dismissed it as “gesture politics of the worst kind.”¹²² Dewar was deeply uncomfortable with the idea of advocating non-payment. He argued that a political party that aspired to be in government had to pursue a strictly legal campaign of resistance.

A special Conference was held in Govan Town Hall, in September 1988, to resolve the non-payment issue. Dennis Canavan comments caustically that, “The party

¹²⁰ Jack McConnell, interview 2 July 2009 (Edinburgh)

¹²¹ Scottish Parliamentary Group Minute 149, 14 June 1988

¹²² Scottish Parliamentary Group Minute 149, 14 June 1988

managers made sure that virtually everybody who was called to the rostrum to speak would toe the leadership line and the chairman turned a blind eye to my repeated requests to speak.” (Canavan 2010: 214) Trade union block votes ensured that the leadership carried the day and non-payment was overwhelmingly rejected as party policy. But the way in which the activists who were part of the losing coalition continued to agitate for change shaped the dynamic of the internal debate in the Scottish Labour Party. Jack McConnell argues that after SLA was formed, “The relatively cosy, consensus type way, the way the Labour Party in Scotland carried out its business was from that point on going to be challenged.”¹²³ Dewar was unwilling to give way on the Poll Tax and support a non-payment campaign, but the call for a Scottish Constitutional Convention offered him a way to at least partly placate his critics. This account stresses the way in which political change must be analysed as part of an endogenous and exogenous process.

Donald Dewar as a Policy Entrepreneur

Political leaders can either resist pressure for change, as Dewar did over the call for a non-payment campaign on the Poll Tax, or embrace it as a positive opportunity. Another way of explaining Labour’s attitude towards the idea of a Scottish Constitutional Convention is that it chimed with Dewar’s personal conviction that it was necessary to build a broad coalition of support to achieve a Scottish Parliament. According to Scottish Labour’s most senior official, Murray Elder, Dewar quickly became convinced that the benefits outweighed the risks of not taking part in the Constitutional Convention: “By September 1988... he decided that Labour

¹²³ Jack McConnell, interview 2 July 2009 (Edinburgh)

participation in the convention process should go ahead. I was in hospital, post heart transplant, and he came to visit me to discuss it. We agreed that whatever the risks, it was the best way forward. I remember him saying that it would be like riding on the back of a tiger but that we would have to rely on our ability to think faster than our opponents to make it work. What he would look for was a suitable opportunity to announce it” (Elder, 2005: 86-87).

In seeking to explain Donald Dewar’s support for a Scottish Constitutional Convention it may be significant that during the 1979 referendum campaign that he was one of the few Labour MPs willing to cross party boundaries to make the case for home rule. Labour encouraged its MPs to focus their efforts on the Labour movement’s official Yes campaign. In contrast, Dewar took a leading role in the cross-party Alliance for an Assembly, a group that also involved Liberal MP Russell Johnston, Conservative MP Alick Buchanan Smith and STUC General Secretary Jimmy Milne (McLean, 2001: 6). The then Liberal activist Donald Gorrie recalls that Dewar’s activities were frowned upon by more partisan colleagues: “I remember speaking at one meeting with Donald Dewar and he was practically wearing dark glasses so as not to be recognised. He thought he was being frightfully brave appearing because Labour people said they would not share platforms with other parties” (Wright & Jones 1995). Strathkelvin & Bearsden MP Sam Galbraith, who was politically close to Dewar, says that he learned from the experience of the 1979 referendum and emerged with a strong belief that it was necessary to make common cause to achieve devolution: “I think Donald was seared by the ’79 referendum. There were a lot of people who had been through that for whom the memory was difficult and left wounds. I think he was convinced because that was seen as a Labour Party

issue, and at an unpopular time, he had to take a consensus of the country with him, and that was Donald's view."¹²⁴

Dewar's attitude was important because although party activists clustered around SLA were pushing for Labour to endorse the *Claim of Right*, many MPs were opposed to participation in the cross-party campaign. The removal of Dennis Canavan as Chairman of the Scottish Parliamentary Group's Devolution Sub-Committee and his replacement by Sam Galbraith by 21 votes to 16 illustrated the strategic conservatism of most members¹²⁵ (See also Canavan 2010: 208). Galbraith says that he was one of those who opposed a Convention because it would require compromises with the Liberal Democrats and other groups who were represented: "I was totally opposed to that, I have to tell you. I thought the only person who can deliver this was the Labour Party by being in power and getting a bill through. We were the only ones who could deliver it and why were we compromising with these Liberals and people like that, who would just produce things that we were against for the nature of the compromise. He asked my views about going into the constitutional assembly and I was bitterly opposed to it, as were others. But of course, Donald won the day."¹²⁶

There is also evidence that, unlike many Labour MPs, Dewar did not regard proportional representation as a fundamental barrier to a deal with the Liberal Democrats, which was the likely political price of any scheme that they agreed. Speaking in the House of Commons in a debate on the 1978 Scotland Bill, he admitted that there was a strong basic case for electoral reform

¹²⁴ Sam Galbraith, interview 12 August 2002 (Glasgow)

¹²⁵ Scottish Parliamentary Group, Annual General Meeting, July 14 1987

¹²⁶ Sam Galbraith, interview 12 August 2002 (Glasgow)

“I say that not as someone who is instinctively, root and branch, hostile to the idea of electoral reform or, necessarily, to some form of proportional representation. I think that that would be the height of arrogance. Clearly, if we look at electoral statistics and recent returns we see a strong basic case for electoral reform of which every hon. Member is aware... In Scotland at the last election my own party gained 36 per cent of the vote and nigh on 60 per cent of the seats, so clearly there is a case to answer. It would be extremely stupid not to accept that.”¹²⁷

Although Dewar followed this speech by voting against the specific scheme of proportional representation on offer, his positive comments about electoral reform suggest that he could find common ground over the issue with the Liberal Democrats. His strong performance in Shadow Cabinet elections and cautious reputation on other issues gave him enough credibility with the leader Neil Kinnock and his own colleagues to make the argument for change.

The first sign of Dewar’s positive attitude came during the Labour Party Conference when he used an interview with *The Scotsman* to hint that he might be ready to open talks with the other parties, “It is silly to suggest there is no problem, but if there is a chance to find common ground which will unite Scottish opinion that is a prize of considerable importance.”¹²⁸ This was a change of tone from his non-committal response during the summer to the launch of the *Claim of Right*. A few days later, on October 20, the Scottish Parliamentary Labour Group met at Westminster to agree a formal position on the Scottish Constitutional Convention. The minutes of the meeting show that Dewar gave a clear lead to the Group and adopted the role of

¹²⁷ Donald Dewar, speech on the Scotland Bill, Hansard HC Deb 06 July 1978 vol 953 cc677-747

¹²⁸ *The Scotsman* 3 October 1988

persuader with his more reluctant colleagues:

“Donald Dewar said that the Report (*A Claim of Right for Scotland*) should be responded to positively, though with a cool head and a steady gaze. It is good on analysis and the need to do “something”, but perhaps inevitably, less good on what the something should be. We ought to go forward with a sincere intention to do something positive; but recognising that there are very considerable difficulties in such a process, and many pitfalls. All parties need to genuinely seek to find a common campaigning position; but for us there must be a fundamental and non-negotiable position that we are talking about Devolution within a UK context, and not Independence. Having established this point we do need to enter into negotiations about the way forward, and should welcome the Party being involved in talks to this end.”¹²⁹

Dewar was giving a clear lead to other Scottish Labour MPs, asking for support to enter cross-party talks with the Liberals and the SNP. Not everybody was ready to agree a common platform with their political opponents on devolution. The former Greenock & Inverclyde MP Norman Godman says that a Westminster Parliamentary Group is quite unlike any other, “they can be tough-minded individuals, many of them behave in an exceedingly self-centred way in relation to their personal ambition, interests and aspirations.”¹³⁰ He adds that Dewar had to negotiate with colleagues and win their support by the strength of his argument. Those who opposed the *Claim of Right* included mainstream MPs who, along with Sam Galbraith, were normally leadership loyalists, like John Reid and Calum Macdonald:

¹²⁹ Scottish Parliamentary Labour Group Minute 172, 20 October 1988

¹³⁰ Norman Godman, interview 22 September 10 (Glasgow)

“Calum Macdonald said that he had always been pro-devolution, but quite emphatically within the framework of the UK. He didn’t take kindly to the idea, as someone who had defeated the SNP in an open election, to giving them representation by the backdoor. He didn’t like the Claim of Right document at all, and regarded it as deeply dishonest. It does not face up to the most obvious question which is what happens when the Government rejects the outcome of the Convention. We ought to ask the CSA to finish their document, and answer this crucial question.”¹³¹

Macdonald argued that what the people of Scotland really wanted was a Labour government at Westminster. From his perspective, proposals for a cross-party Constitutional Convention were an unnecessary and potentially dangerous distraction from the main objective of winning a UK general election. Furthermore, they would give a platform to the SNP. However, the majority of those who spoke accepted the leadership position and pragmatically adjusted their arguments. Staying out of the Convention, they agreed, would disappoint their own supporters, give assistance to the SNP and threaten to undermine Labour’s dominant position in Scottish politics:

“Tom Clarke said that we have no choice; even if we wanted to go down another road. Our own supporters do want us to go forward with discussions about a Constitutional Convention, as he knew from going to meetings in his own constituency. We have a vital interest in doing two things: projecting ourselves as the natural majority party in Scotland, and the next Government of the UK.

“Jimmy Hood said that he also agreed with Donald Dewar’s measured response to the Report. The SNP are intent on trying to destroy the Labour Party, and that’s why we should go into this determined to take the lead, and to do so on our own terms. We

¹³¹ Scottish Parliamentary Group Minute 172, 20 October 1988

need to enter into the discussions with our eyes open, and spell out from the outset that our terms are Devolution with the United Kingdom, and nothing more.”¹³²

When the meeting concluded, the Group “overwhelmingly indicated its support” for Dewar’s position. He publicly announced his backing for the Constitutional Convention the following day in a remarkable speech to students at Stirling University. He said, “The significance of the Constitutional Convention should not be shrugged off by the Government. It is based on the assumption that it is possible to mount pressure even on a hostile administration and there are tactics other than simply working for national victory at the next election.”¹³³ Labour’s internal consultation closed on 1st November and this was the basis on which the party’s Scottish Executive Committee agreed to endorse the *Claim of Right*.

This account shows that where decisions are finely balanced then the agency of an individual actor can be a crucial factor in navigating between different interest groups to construct a winning coalition. The significance of Dewar’s leadership is wholly underplayed in the academic literature, but it was recognised by other actors who were involved in the political process. Canon Kenyon Wright, who chaired the Convention, argues that Labour’s participation in the cross-party campaign “is largely due to one man who undoubtedly influenced the Labour Party’s decision very greatly. That man is Donald Dewar, then Shadow Secretary of State for Scotland and leader of the Scottish Labour Party” (Kenyon Wright 1997: 40). As well as constructing a coalition of support for the Constitutional Convention among Scottish Labour MPs, Dewar was also remarkably willing to draw some of the party’s young rebellious

¹³² Scottish Parliamentary Group Minute 172, October 20th, 1988

¹³³ Donald Dewar, Williamson Lecture, Stirling University, 21 October 1988

voices into the mainstream. Wendy Alexander, a member of SLA's committee, was appointed as the Labour Party's research officer in Keir Hardie House. After the 1992 general election, Jack McConnell went on to become General Secretary.

V. Conclusion

The perspective we gain from tracing the political process in detail enables us to see that the Glasgow Govan by-election was not the “bombshell” that pushed the Labour Party into unequivocal support for the Scottish Constitutional Convention, as some academics have claimed (Torrance 2009: 189). The minutes of the Scottish Parliamentary Labour Group prove that the key decision to endorse the *Claim of Right* and begin discussions with other political parties had already been taken by MPs at their meeting on October 20th, three weeks before polling day. This thesis argues that, at this time, pressure for change from activists within the Labour Party was a more significant factor than the external threat posed by the SNP in conditioning the debate about a Scottish Constitutional Convention. Indeed, the Glasgow Govan by-election was called because Neil Kinnock, with support from Dewar, nominated Bruce Millan as a European Commissioner in July 1988.¹³⁴ This decision turned out to be horrendously complacent, but if Labour had been concerned about losing the seat to the SNP then somebody else would have been nominated.

Research published by Stone Sweet et al on the development of European institutions draws attention to the way in which institutions evolve as individual or collective actors interact within them. Change is often the result of skilled action on the part of

¹³⁴ Jimmy Allison, Extract from “Guilty by Suspicion – A Life & Labour”, serialised in *The Herald*, 6 March 1995

specific actors. (Stone Sweet et al 2001: 9). As I discussed in the previous chapter, the weakness of the Labour Party at a UK level, combined with Neil Kinnock's lack of interest in Scotland, meant that Dewar had a large degree of autonomy over his brief. However, the Scottish Labour Party itself contained different factions and interest groups. Dewar's ability to achieve his goals therefore depended on his ability to navigate between those players to create a consensus. The emergence of Scottish Labour Action was a challenge to his cautious style of leadership, but it also gave him additional leverage to push more reluctant colleagues in the Parliamentary Group towards participation in the cross-party campaign. Dewar's credibility was a key factor in his ability to play this role, which required acute political skills.

It should be acknowledged that the offer of talks with the SNP and the Liberal Democrats, and the negotiations themselves, took place after the by-election. The immediate context to these talks was created by Jim Sillars' victory and the subsequent Nationalist surge in the opinion polls. Any lingering doubts in the Labour Party about the wisdom of entering cross-party negotiations were suspended as it became clear that participation was now the only viable political option. In the event, it was the SNP who walked out. The SNP delegation argued that the Convention's membership should be adjusted after the European elections in June to reflect their growing popularity and the final stage of the process should be a multi-option referendum, including independence. When the Labour Party refused to accept these conditions the SNP leader Gordon Wilson issued a press release saying that the SNP would not take part in a "rigged Convention"¹³⁵ This had important consequences for the character of

¹³⁵ Gordon Wilson, SNP News Release 30 January 1989

the new institution in that their absence made it much easier for Labour to shape the Convention's remit.

The main author of the *Claim of Right* Jim Ross comments that, "Some of us, including myself, had intended the Convention to take a broad view of its remit which might include leading passive resistance campaigns against e.g., the Poll Tax. The domination of the Scottish Labour establishment ensured that this did not happen and that the Convention confined itself to a rather unnecessarily elaborate working out of the content of a scheme of devolution, a job that had substantially been done before the Convention came into being."¹³⁶ Dewar successfully guided the work of the Scottish Constitutional Convention in a way that both deepened his own party's commitment to home rule, but also ensured that it would continue to be pursued in a mainstream way. Thelen introduces the idea of 'institutional layering' in which some elements of an institution are partially renegotiated while leaving other existing elements in place (Thelen 2003: 213). The Scottish Constitutional Convention does not entirely fit this description because it was a new institutional space, but it could be described as a "nested institution" in that it operated within the framework of the existing aspirations of the political parties and Scottish civil society (Mackay 2009). This meant that there was a renegotiation of the CSA's original aspirations as the Scottish Labour leadership found some innovations easier to accommodate than others.

The element of the cross-party campaign that gained the most traction was the argument that major constitutional change should be agreed on a cross-party basis.

¹³⁶ Letter from Jim Ross to Andrew McFadyen 6 June 2004

This was challenging because it meant that all sides would have to make concessions, but ultimately it meant doing a deal. This was something that could be accommodated by the culture of the Labour movement and its trade union allies. The idea of a Scottish Parliament based on the sovereignty of the Scottish people was not part of the mainstream thinking of the Labour Party and, despite the efforts of Scottish Labour Action, never became deeply embedded in its culture. Most Labour MPs rejected the implication that a Scottish Parliament could be built from the bottom-up without having to wait for a majority at Westminster. Their primary aim was to take power in a British general election. As I will discuss in the next chapter, this unresolved tension had significant policy implications when Tony Blair became leader and the Labour Party at a UK level began to re-engage with devolution.

5

LABOUR'S REFERENDUM PLAN

I. Introduction

This chapter focuses on the Labour Party's decision to hold a referendum before legislating for a Scottish Parliament. The u-turn caused the most serious internal revolt faced by any Labour leader in Scotland since 1974, when Harold Wilson ordered a special conference to defeat the anti-devolutionists on the party's Scottish Executive Committee (Jones 1997a: 4). When news of the referendum became public, Labour's devolution spokesman John McAllion resigned in protest from the front bench. He told a news conference, "Our policy was painstakingly put together on the basis of a national consensus, which crossed party lines. That consensus held out the prospect of a new kind of politics in Scotland, but the manner in which this decision was taken blows that consensus apart."¹³⁷ Harry Ewing, a former Labour minister, also stood down as joint Chairman of the Scottish Constitutional Convention. The home rule ginger group Scottish Labour Action reflected the anger of many party members in a pamphlet that described their reaction as 'shock followed by hurt' and branded the second question on tax-raising powers a 'wrecking device'.¹³⁸ Although they supported the referendum in public, senior shadow cabinet ministers also had serious misgivings about the u-turn. Donald Dewar's private view was that the change was "totally unnecessary", while the Shadow Scottish Secretary George Robertson warned that, for some, it would be a "political nuclear explosion" (Campbell 2010: 476-478). This research marshals recently published accounts, interviews with some

¹³⁷ *The Herald* 29 June 1996

¹³⁸ Margaret Curran, Bill Spiers, Ian Smart, Bob Thomson "The Case for a Single Question" 23 August 1996

of the key participants and documents from meetings of the Scottish Parliamentary Labour Group to trace the political process from which the new policy emerged.

The Labour Party's impending u-turn first leaked in *The Independent*, whose editor Andrew Marr reported on June 26th, 1996, that Tony Blair would "publicly go for the referendum within days".¹³⁹ The fact that a London-based newspaper had scooped them on such a big story created a sense of grievance in the Scottish press. It also reinforced the lingering suspicion among many journalists that the origins of the new policy lay in Islington rather than Glasgow. The Shadow Scottish Secretary George Robertson attempted to dispel this idea at a hastily convened press conference in Glasgow's Royal Concert Hall. Flanked by his most senior Scottish colleagues - Gordon Brown, Donald Dewar and Robin Cook - he claimed that for some months he had been working in a committee on devolution with other members of the Shadow Cabinet: "taking the convention scheme as our starting point, we looked carefully at ways in which this could be implemented inside the timetable to which we were committed. I came to the conclusion early on that we had to go on the offensive, we had to break through the argument, to make sure that implementation was guaranteed."¹⁴⁰

The united front shown by Labour's Scottish heavyweights at the Glasgow press conference was accompanied by private briefing to the media stressing the central role of Donald Dewar in the decision to go for a referendum. Reporters were informed that when Blair made Dewar his Chief Whip, in October 1995, he asked him to look at

¹³⁹ *The Independent* 26 June 1996

¹⁴⁰ *The Herald* 28 June 1996

how the party would manage the passage of constitutional reform in government.¹⁴¹ According to the *Sunday Times*, there were concerns about the length of time it would take to get legislation through Parliament and an informal committee was formed involving the Shadow Chancellor Gordon Brown and the future Lord Chancellor Derry Irvine. Senior Labour politicians were also said to be concerned about the impact of the Conservative Party's campaign against the Scottish Parliament's proposed tax-raising powers. According to the *Sunday Times*, serious thought was given to dropping the co-called 'tartan tax' altogether, but when Irvine explained that a two-question referendum bill could be passed in a week or two Dewar "pounced on the idea and became an enthusiastic supporter."¹⁴² The Labour Party's press team was trading on Dewar's reputation as a strong supporter of devolution to try and give the idea of a referendum greater credibility.

The Labour Party's 'official version' of events, as described at the time by George Robertson, now looks like a carefully constructed cover story. Recently published accounts by Tony Blair and his press spokesman Alastair Campbell confirm that Blair came up with the idea of a referendum himself, in March 1996. Campbell records in his diary that as he was going through Tony Blair's speech, on the eve of the Scottish Labour Party Conference, in Edinburgh, "He suddenly piped up that he had plans for major change to our devolution policy. He wanted to limit the tax-raising powers. He wanted to promise a referendum before the Parliament is established. And he wanted to be explicit that power devolved is power retained at Westminster" (Campbell, 2007: 105). Blair adds in his own memoirs that, "While Leader of the Opposition, and despite heavy misgivings from George Robertson, then Shadow Secretary of State for

¹⁴¹ *The Independent* 20 October 1995

¹⁴² *The Sunday Times* 30 June 1996

Scotland, I devised the gambit of offering a referendum not after the legislation but before it, so that people could take a decision on the principle first" (Blair 2010: 252).

Tony Blair's insistence on a referendum is one of the clearest examples in recent political history of purposive action by an individual actor changing the outcome of the policy process in a significant way. This chapter will attempt to describe what happened in detail. By doing so it will make a significant contribution to our knowledge of an important 'constitutional moment' in the evolution of policy towards the Scottish Parliament. However, this case study also draws attention to the way in which agency is mediated by institutions. The jostling between different factions and interest groups within the Labour Party provided actors with differential resources according to the changing relationship with national politics. As a popular leader with a double-digit lead over the Conservatives in the opinion polls, Blair was able to command considerable authority to achieve his objective. Under his leadership, the concentration of power at the centre and the success of the modernising New Labour project squeezed the autonomy of regional elites and limited the range of options available to Scottish Shadow Cabinet ministers, such as Donald Dewar and George Robertson (Laffin et al 2004; Shaw 2000).

II. The Significance of the Referendum

The decision to hold a referendum before legislating for a Scottish Parliament was a major change in policy and a crucial 'constitutional moment' in the devolution debate. The political consensus in Scotland was that a general election provided a sufficient mandate for devolution (Jones 1997a; Brown et al 1998; Paterson 1998). As Labour

leader, John Smith had described devolution as the 'settled will' of the Scottish people (Stuart 2005). This implied that there was no need for a further test of public opinion. The Scottish Constitutional Convention's final report, published in 1995, echoed this assertion with its statement that the demand for a Scottish Parliament had been 'calmly and consistently' expressed over decades:

"The first and greatest reason for creating a Scottish Parliament is that the people of Scotland want and deserve democracy. Their will is powerful and clear. It has been expressed calmly and consistently over a period of decades, and has strengthened rather than diminished with the passing of time. In a responsive and effective democracy, this would be reason enough for change. But present constitutional circumstance denies Scotland responsive and effective democracy."¹⁴³

As John McAllion pointed out, Tony Blair's unilateral decision to shift policy towards a referendum was controversial because it overturned this consensus, but even his most trenchant critics now recognise that the referendum itself was a political triumph. The vote was held on September 11th 1997 and the result was 74.3 per cent in favour of a Scottish Parliament and 63.5 per cent in favour of revenue raising powers. Every part of Scotland voted for a Parliament, while only Orkney and Dumfries & Galloway voted against the tax-raising provision (Hassan & Lynch 2001: 373-374).

Scottish Television and BBC Scotland both broadcast the referendum results live from Edinburgh's International Conference Centre. 400 journalists from many

¹⁴³ Report of the Scottish Constitutional Convention, *Scotland's Parliament, Scotland's Right*, 30 November 1995

different nations were accredited to observe the proceedings. Peter Jones observed that, "The turn-out was big, 60.4%, which party organisers estimated was equivalent to a true turn-out of 71% given that the electoral register was 11 months out of date and some 15% of the names on it could not vote because they had died or moved house" (Jones 1997b: 2). The first declaration, from Clackmannanshire, set the tone for the night with 80 per cent of voters saying 'Yes' to a Scottish Parliament and 68.7 per cent supporting tax-raising powers. South Lanarkshire followed soon afterwards with 78 per cent saying 'Yes' on the first question and 68 per cent on the second. These majorities were repeated in area after area. Every part of Scotland voted 'Yes' to a Scottish Parliament and only two areas, Orkney and Dumfries & Galloway, narrowly rejected the tax varying power. Donald Dewar, who had led the 'Yes, Yes' campaign, was able to proclaim victory just before 2am. He said, "This is a great day for Scotland, one of the most important days in our country's long history. The people have seized the moment and we have done the business."¹⁴⁴ The result secured Dewar's place in Scottish political history.

The lasting significance of the referendum is that it produced a far greater and more specific democratic mandate for devolution than would have been provided by a general election, in which people vote on a range of issues (Denver *et al* 2000). The Scottish Constitutional Convention had argued that in order to entrench devolution, before legislation was placed before the House of Commons, MPs should make a clear commitment through a 'solemn declaration of intent' that a future Scottish Parliament would not be unilaterally weakened or abolished by Westminster.¹⁴⁵ A

¹⁴⁴ *The Herald* 12 September 1997

¹⁴⁵ Report of the Scottish Constitutional Convention, *Scotland's Parliament, Scotland's Right*, 30 November 1995

formal declaration of this kind would have had little legal standing, but the cross-party campaign hoped it would emphasise the special nature of the institution that had been created. These debates were rendered irrelevant by the referendum, which much more effectively entrenched the Scottish Parliament than any number of 'solemn declarations'. In constitutional terms, the doctrine of Westminster sovereignty remains in place, but popular endorsement for devolution in the referendum has created a very powerful political barrier to repeal of the Scotland Act (McFadden & Bain 1997).

Tracing politics over time and evaluating sequences of events also enables us to see the significance of unintended consequences (Pierson 2004). There is strong evidence that the strict timetable enforced by the commitment to an early referendum disarmed critics of devolution inside the Government. Labour's manifesto committed the incoming administration to a referendum that would "take place not later than the autumn of 1997".¹⁴⁶ This meant that the White Paper on devolution had to be written very quickly. Murray Elder, who was one of Dewar's special advisers, says that other Whitehall ministers didn't have enough time to marshal their arguments:

"I have always slightly been of the opinion that if it had taken three months rather than six weeks others might have been more on top of their portfolios and more prepared to argue the toss than they were. It was done at a tremendous pace and I think that gave the Scottish team a tremendous edge. And I think some of the then doubts that emerged from some people fairly well known high up in the Government who were not particularly in favour of devolution came with their points rather too late. The White Paper had been finished, published, backed by the Scottish people. It

¹⁴⁶ Labour Party Manifesto, 1997

was then too late to have an argument about whether or not the White Paper was right. And I think the speed with which the process was done was actually key to its success.”¹⁴⁷

As I will discuss at greater length in the next chapter, Donald Dewar and his team at the Scottish Office had a much deeper knowledge of the arguments about devolution than ministers and officials from other Whitehall departments. Dewar and Elder had been involved in similar debates in the Labour Party and the Scottish Constitutional Convention for over 20 years. Other Government ministers had their own priorities and briefs to master, but they were faced with immediate and far-reaching constitutional choices. With more time they might have spotted problems with Dewar's plans for devolution or developed stronger arguments to protect their own departmental position. The strict timetable imposed by the referendum therefore gave Dewar a competitive advantage that enabled him to deliver a scheme that very largely reflected the one agreed on a cross-party basis by the Scottish Constitutional Convention.

Dewar's early advantage was consolidated when the proposals in the White Paper were endorsed in the referendum itself. It became much harder for critics of devolution inside the Government, or on the opposition benches, to unpick the scheme once it had been endorsed by the people. Scotland Office Minister Henry McLeish, who was politically responsible for getting the bill through its parliamentary stages, comments that, “In the light of the referendum result, there had been an undertaking of no unnecessary obstruction by the Tories” (McLeish 2004: 67). He added that the Conservatives were reduced to isolated forays and ambushes on issues that were, at

¹⁴⁷ Murray Elder, BBC Interview, 21 September 2004

best, marginal. The opposition's long-planned parliamentary guerrilla campaign against the Scotland Bill simply evaporated (Bogdanor, 1999: 198). The Conservative majority in the House of Lords was also severely restricted from amending the legislation because it would have been seen as constitutionally improper for them to interfere with the verdict so clearly expressed in a referendum. It is clear, then, that whatever his motives Blair's decision to go for a referendum had far-reaching consequences and greatly strengthened the constitutional settlement.

III. Background: Referenda

Referenda are unusual events in the UK. The referendum on voting reform held by the Conservative-Liberal Democrat Coalition Government in May 2011 was the first UK-wide referendum in over thirty years and only the second ever. Pattie et al note that, "Only one UK-wide referendum has been held – on membership of the European Community (as it then was) in 1975 – and before 1997 there had been only three other significant referenda: in 1973, in Northern Ireland, on the constitutional position of the province, and in 1979, in Scotland and Wales, on proposals for devolution" (Pattie et al 1998). When considering the Labour Party's proposal for a referendum on a Scottish Parliament, the most obvious reference point for most Scots was the 1979 devolution referendum. On 1 March 1979 the electorate was asked: "Parliament has decided to consult the electorate in Scotland on the question whether the Scotland Act 1978 should be put into effect. Do you want the provisions of the Scotland Act 1978 put into effect?" (Hassan & Lynch 2001: 372). The 1979 referendum was a very unhappy precedent for the home rule movement.

The first devolution referendum had been forced on the Labour Government by MPs who were opposed to a Scottish Assembly. Ministers offered it as a concession to minimise the size of the rebellion on the Second Reading of the Scotland and Wales bill (McLean 1990b: 27). The campaign itself took place against the backdrop of the 'winter of discontent', with widespread industrial unrest, and the Labour Party bitterly divided. Dennis Canavan comments that some members of his local party put more effort into the 'Labour Votes No' campaign than they had in the previous general election (Canavan 2010: 199). George Robertson, who had been elected to Parliament the previous year in the Hamilton by-election, recalls that it was a very difficult experience for those on the 'Yes' side:

"The referendum campaign was a pretty miserable experience. We were campaigning at the end of a Labour Government, which nationally was not popular. The Tories were on the ascent and they made it basically a referendum about the Government. The Labour Party was bitterly divided and there, you know, were people like Robin Cook and Brian Wilson, very effectively campaigning all over Scotland against what we stood for. And the weather was pretty miserable as well. So I think we knew close to the end that it was going to be difficult to get the size of majority that we would be required."¹⁴⁸

The anti-devolutionists were heavily backed financially by the business community and much better resourced than the Yes campaign. They hammered away with messages of fear about separation, the loss of jobs and the loss of subsidies for state-owned industries like coal and shipbuilding (Sillars 1986: 68). Despite this, a small majority came out in favour of a Scottish assembly. 51.6 per cent voted 'Yes' and

¹⁴⁸ George Robertson, interviewed for BBC Radio Scotland, 7 November 2003

48.4 per cent voted 'No' (Hassan & Lynch 2001: 372). However, the legislation to create a Scottish Assembly in Edinburgh was repealed because of a wrecking amendment put down by George Cunningham, a Scottish Labour MP who represented Islington South. His amendment meant that devolution required not just a simple majority of those voting, but a minimum of 40 per cent of those who were entitled to vote. The Yes campaign failed to clear this hurdle. The sense that the rules had been rigged against them meant that many home rule activists, in the 1980s and 1990s, continued to see a referendum as a barrier to change and a delaying tactic rather than a mechanism for delivering its implementation (McCormick & Alexander 1996: 122).

As I have described, a consensus developed in the Scottish Constitutional Convention that a general election provided a sufficient mandate for devolution. However, it took time for this view to develop. There is some intriguing evidence that senior figures in the Labour Party had long-recognised that another referendum would be necessary to implement devolution. In 1981, John Smith, who went on to become Labour leader, proposed the idea of a pre-legislative referendum in an interview with the *Bulletin of Scottish Politics*. He said a new test of public opinion would be essential to get a devolution bill through Parliament:

"I think another referendum is inevitable. Without one, there is no hope of getting any significant constitutional change through parliament in a reasonable time scale. Also, given that we had to concede it once – albeit for tactical reasons – it would be difficult or impossible to refuse it on another occasion. I would add that this principle seems to apply in the case of the Common Market too. We have now definitely made referenda part of the constitutional equipment, and have to stick by that... But the timing of the test should be different next time. I would urge the government to 'front

end' the referendum: let me explain what that would mean. Any new Labour government would of course confront the question of priorities in its legislative programme; and we would have to argue priority for a new Scottish Assembly bill. Now, it will be very hard to counter the objection that another government might find itself spending a disproportionate amount of time and energy on such a bill, only to get it rejected once more. So by far the best way would be to prepare a White Paper with a sufficient outline of that scheme – not necessarily all the detail – and hold the referendum on *that*. This would be an advisory referendum, which would give the government solid grounds for pressing ahead.” (Ascherson & Nairn 1981: 44)

Smith's assertion that referenda were now part of the 'constitutional equipment' was prescient and his suggestion of an advisory referendum based on the proposals in a White Paper very closely resembles the proposals eventually adopted by New Labour. There is evidence that, at least until the early 1990s, senior Scottish Labour Party officials shared Smith's view that another referendum was inevitable. In 1990, Scottish Labour's General Secretary, Murray Elder, wrote an internal report in which he conceded it was 'likely' that the party would have to consider a referendum. He even suggested the inclusion of a second question as a way of dealing with the Liberal Democrat's demand for proportional representation:

“We could say that we had an open mind on proportional representation but that as we were likely to consider having to put the question of a Scottish Parliament to the Scottish people in a referendum, we also intended to put to them in a referendum the question of what system they wished to choose for electing that Parliament. Such a referendum would of course be after a Labour Government was in power but before that Parliament was set up. This would have the advantage of making the legislation more or less unstoppable in the sense that a confirmatory referendum would give it

immense moral authority, and it would ensure that the question of electoral reform was on the agenda in a way that the Liberal democrats would find it very difficult to object to.”¹⁴⁹

In some ways, Elder's position is more interesting than Smith's, who saw a referendum as a way of adding the weight of public opinion to ensure that legislation to establish a Scottish Assembly passed through Parliament with a minimum of fuss. Elder suggests that a plebiscite could also be used as a way of solving a political problem for the Labour Party by putting-off a difficult issue, although in this instance it was electoral reform rather than taxation. These earlier debates show that although referenda are rare events in British politics, Tony Blair's proposal for a two-question referendum was not necessarily a radical departure from the private thinking that had been going on within the Labour Party for many years.

IV. New Labour: The Resurgence of the Centre

Institutions are the arenas in which actors engage with new ideas and set policy goals (Blyth 2002: 8). Changes in the institutional context of the decision-making process can be as important as external pressure in guiding the actions of agents. Following the disappointment of the 1992 general election Labour publicly backed plans for a multi-option referendum, as a way of forcing the Conservative Government to move. The minutes of the special group meeting held at Keir Hardie House in the aftermath of the election record that, “There was a complete consensus in support of the demand that the Government should be pressed to organise a multi-option referendum on the

¹⁴⁹ Paragraph 21, The Labour Party: Scottish Council, Report to Home Policy Committee, Scottish Constitutional Convention, Murray Elder, Scottish Secretary, 8 January 1990

future constitutional arrangements for Scotland.”¹⁵⁰ Donald Dewar told *The Herald* the following day that, “It must offer the choice which has dominated the election campaign in Scotland. It must cover the range of options that reflects the mood for change. That means it must include the convention scheme, the status quo and independence.”¹⁵¹ However, the position developed in the Scottish Constitutional Convention after it was reestablished in 1993 was that a general election provided a sufficient mandate for devolution.

John Smith's early death and Tony Blair's subsequent election as Labour leader meant that the consensus that had been painstakingly built in Scotland on a cross-party basis came under new scrutiny from the centre. He did not share his predecessor's personal commitment to devolution or feel bound by agreements that had been made by the party in Scotland. Blair wrote in his memoirs, “I was never a passionate devolutionist. It is a dangerous game to play. You can never be sure where nationalist sentiment ends and separatist sentiment begins. I supported the UK, distrusted nationalism, and looked at the history books and worried whether we could get it through” (Blair 2010: 251). His scepticism would have been reinforced by local opinion in his Sedgefield constituency. Many MPs from the North East of England were hostile to Scottish self-government because they feared it would put their region at a competitive disadvantage. Questions that had previously been regarded as settled were reopened.

Tony Blair was in a stronger position than any of his predecessors to reshape policy. Morgan notes that he was the first Labour leader not to face a serious challenge from

¹⁵⁰ Scottish Parliamentary Labour Group Minute 3, 12 April 1992

¹⁵¹ *The Herald*, April 13 1992

the left and only Gordon Brown was an alternative power broker of major stature (Morgan 2001: 584). Blair benefited from the organisational changes implemented by Neil Kinnock during his term as leader, but his personal popularity, record-breaking lead in the opinion polls and the growing sense that he was heading for 10 Downing Street were also huge political assets (Shaw 2000). His desire to break with the past could be seen in the way he re-branded the party as 'New Labour' and ditched the symbolically important Clause 4 commitment to nationalisation. The strength of his leadership, combined with realistic prospect that Labour would form a Government at Westminster narrowed the space for a distinctive Scottish political discourse.

The growing significance of the UK dimension to politics changed the context of the devolution debate. During the Thatcher years, the idea of a Scottish Parliament gathered support as a way of promoting a different and more social democratic policy agenda in Scotland. The expectation of better policy outcomes was arguably the main reason that most Scots supported self-government (Brown et al 1998: 163). New Labour did not regard devolution as a domestic Scottish project. Instead, the commitment was presented as just one element of a radical and wide-ranging programme of constitutional reform that was about modernising the whole of Britain (Jones 1997a; Mitchell 1998b). Blair was also committed to assemblies for Wales and Northern Ireland, a new strategic London authority, proportional representation for European elections, removal of hereditary peers from the House of Lords and a Freedom of Information Act (Bogdanor 2001: 139).

Supporters of devolution recognised that locating a Scottish Parliament as part of a common UK project served a useful purpose because it helped to overcome the

hostility that could intensify amongst English Labour MPs if devolution came to be seen as some kind of 'special deal' for the Scots (McCormack & Alexander 1996: 99). The idea that Scottish home rule could lead to better government for the whole of the UK had always been part of the constitutional debate. For example, Labour MP John P. Mackintosh argued that a Scottish Parliament would broaden the governing class and provide a training ground for political talent (Mackintosh 1970: 71). However, it was inevitable that setting the devolution debate in this new context would also open it up to a different level of scrutiny from UK politicians who had not been party to the negotiations in the Scottish Constitutional Convention.

It is worth noting that there was also a parallel debate going on about the party's plans to create English regional assemblies. Early in 1995, Tony Blair ordered his Shadow Home Secretary Jack Straw to conduct a review of the policy. He concluded that English regions would get Assemblies only where local referenda showed support: "It has been a long standing principle of the Labour Party that no major change of this kind should be made without the consent of the people affected."¹⁵² This did not automatically mean that voters in Scotland should also be asked about devolution. However, the argument for a referendum became stronger when these changes were seen as part of a common programme of reform throughout the UK because it implied the existence of a common set of principles. If voters in the English regions should be asked about devolution, why not ask voters in Scotland? In the next section, I will attempt to trace the political processes in detail that led to Labour's move towards a referendum.

¹⁵² *Independent on Sunday* 30 June 1996

V. Labour's Referendum Plan: Tracing the Process

After Tony Blair's election as Labour leader, the first sign that the Labour Party was beginning to shift its position on devolution came in a report in *The Independent* on December 26, 1995. The newspaper's political editor Donald Macintyre wrote that, "Tony Blair is to order a high-powered internal review of the impact of Scottish devolution on English politics and the right of Scottish Westminster MPs to decide political issues south of the border."¹⁵³ He speculated that the review would be chaired by either Derry Irvine or Donald Dewar and it would recommend a reduction in the number of Scottish MPs from its then figure of 72 to compensate for the new powers that would be devolved. Alastair Campbell recorded in his diary that the source of this story was Blair himself, who had spoken to Macintyre on a trip to Austria: "Needless to say, the Scots went into a total tizz. They wanted an absolute denial of any such review. Tim rightly said that the trouble with an outright denial was it may be that TB wants to end up with a reduced majority if MPs in Scotland." He added, "George Robertson came on and said the Independent story must be killed. Donald and Gordon both felt that the new committee should not meet and we should say so. They said it would cause havoc in Scotland" (Campbell 2010: 343-344). Campbell's diary entry is an indication of how Blair was unwilling to leave policy on devolution to be decided by the party in Scotland in the same way as Neil Kinnock had done.

The 'West Lothian question' was named after the constituency represented by the Labour MP Tam Dalyell, who had repeatedly raised it in the House of Commons

¹⁵³ *The Independent*, 26 December 1995

during debate on the Scotland Act 1978: "For how long will English constituencies and English hon. Members tolerate... at least 119 hon. Members from Scotland, Wales and Northern Ireland exercising an important, and probably often decisive, effect on English politics while they themselves have no say in the same matters in Scotland, Wales and Ireland?"¹⁵⁴ Tony Blair took this issue seriously. Scotland was over-represented in the House of Commons relative to the size of its electorate and population. The average constituency in Scotland and Wales had around 55,000 electors, whereas those in England and Northern Ireland had around 70,000 (Johnston et al 2002). Reducing the number of Scottish MPs did not logically deal with the issue of them being able to vote on English-only matters while the reverse was not true, but it did make the imbalance less noticeable. There was also a precedent. When Stormont was created in the 1920s the *quid pro quo* was a reduction in the number of Northern Ireland MPs at Westminster.

As Blair began to consider the prospect of power in a serious way his scepticism about the principle of devolution was augmented by a growing awareness of how difficult it could be to get complex and potentially controversial legislation through Parliament (Jones 1997a; Bogdanor 1999: 198). Since it was constitutional, the Committee Stage of the Scotland Bill would have to be taken on the floor of the House, which meant that it involved a greater commitment of parliamentary time than other legislation. The 1978 Scotland Act took up 158 hours in the House of Commons with its 83 clauses and 17 schedules. A report published by the Constitution Unit pointed out that it "was a massive commitment of Ministerial and official time, involving almost every department of government" (Leicester 1996: 31). Blair

¹⁵⁴ House of Commons debate on the Scotland Bill, 14 November 1977, Hansard, Column 123

particularly feared that the Conservative majority in the House of Lords would seek to amend the legislation in ways that were unacceptable to his Government (Blair 2010: 251).

In March 1996, on the eve of the Scottish Labour Conference, in Edinburgh, Blair told Campbell and another member of his staff, Pat McFadden, who was also a Scot, that he wanted a referendum, "He said it in that way he has of making clear he has thought it through and it will be very hard to dissuade him. I had no problem with any of it, and I thought it was both sensible and right. But Scottish politics is a nightmare and Pat rightly said there would be hell to pay in the party, not least from GB, but TB said they'll just have to live with it" (Campbell 2007: 105). Campbell adds that Blair told his Shadow Scottish Secretary, George Robertson, about his plan for a referendum a few days later, during a visit to Scotland, on March 13th, following the Dunblane shooting. Campbell says that George Robertson became 'more and more nervous' when the issue was discussed:

"TB was insistent that our policy was flawed, that the Tories could use the issue both for their tax campaign, and their campaign on the break-up of the UK. He was absolutely sure we would have to pledge a referendum, and make clear that power devolved would be power retained. George feared it would mean tearing up a deal with the Lib Dems, which had given him thus far political cover. Then when George had to go out for a call, TB said I know I am absolutely right on this. This is the reason why every home rule bid has failed, because they have not had the guts to answer the real questions. He said to George, they would have to make changes in government anyway, to which George said yes, but then we will be in government. What if this stops us getting there, because of the outcry in Scotland" (Campbell, 2007: 108-109).

One of the reasons Blair wanted a referendum was that the specific mandate it provided for devolution would disarm the opposition and help to ensure that devolution fitted into the new government's parliamentary timetable. However, Campbell's description of this conversation makes it clear that Robertson opposed the shift in policy and was not prepared to simply accept his leader's verdict. As late as May he wrote to *The Scotsman* describing reports of an impending u-turn as "a compilation of innuendo, anonymous quotation and pure speculation."¹⁵⁵ Even if a party press officer drafted the letter, it seems unlikely that Robertson would have allowed such a strong and unequivocal denial to be issued if the u-turn had already been agreed and they were simply waiting for the right time to make the announcement.

By tracing the political process in detail we can see that there was a process of pulling and hauling as Blair tried to win consent for a referendum. Scots were very well represented at the top of the Labour Party. The Shadow Scottish Secretary, George Robertson, had potential allies in the Shadow Chancellor Gordon Brown, the Shadow Foreign Secretary Robin Cook and the Chief Whip Donald Dewar. This trio of powerful frontbenchers occupied three of the top four places in the 1994 Shadow Cabinet elections, which indicated that they had a strong base of support in the Parliamentary Labour Party. For his part, Blair wasn't only focusing on a referendum. He was very uneasy about devolving tax-raising powers and unconvinced that the Scottish Parliament should have primary law-making powers:

¹⁵⁵ George Robertson, letter to *The Scotsman*, 20 May 1996

“He said to Pat McFadden – how would they feel if we dropped tax powers? And then laughed, really mischievous, and Pat said you know exactly what the response would be – they would go berserk. TB said well, we definitely need to commit to a referendum and I also want to make it explicitly clear that power devolved is power retained, because in the end that is the intellectual logic of the whole thing, and it is also the nearest you’ll get to an answer to the West Lothian Questions. Pat said he thought we could win them over on two out of three but there was no way they would swallow no tax-raising powers. If we pushed for it, there would be resignations. TB launched into a great diatribe, saying they wanted too much and they wanted it too easy. He was not convinced on tax, and he was not convinced the Scottish Parliament should have primary law-making powers. Glasgow City Council doesn’t. It didn’t go down well with Pat, but it was obvious now TB was just pushing the argument as far as it could go without actually intending to go that far.” (Campbell 2010: 474-475).

Blair’s comparison between the Scottish Parliament and Glasgow City Council indicates that he held the whole project in a degree of contempt. He wanted the issue to be resolved so that the updated policy on devolution could be published as part of the ‘Road to the Manifesto’ process.¹⁵⁶ The Labour Party’s draft manifesto *New Labour, New Life for Britain* was to be published at the beginning of July and submitted to a vote of the entire membership. Campbell records in his diary, on June 24th, that at that late stage agreement had still not been reached with the senior Scots in the Shadow Cabinet:

“TB said they were more onside than we thought. He said he had pretty much squared DD. I spoke to Donald who said if TB thought that he must be mad. He thought he was embarking on a dangerous course without thinking through the consequences.

¹⁵⁶ Minute 49, Scottish Parliamentary Labour Group Meeting 2 July 1996

Yet I found when they made the argument, they all felt compelled to agree with the logic; they just didn't like the internal politics. I said to Donald that with TB, the logic is likely to prevail so I think we should get planning for the storm, if storm you think there will be. Donald said it was all totally unnecessary" (Campbell 2010: 476-477).

Dewar's reported view that Blair "must be mad" if he thought agreement had been reached on a referendum and it was "all totally unnecessary" show that the principle actors were a long way apart. News of the discussions was also beginning to leak. The following day, June 25, Donald Macintyre published a column in *The Independent* in which he speculated that Blair was determined to confront Scottish MPs with some hard choices: "The assumption so far has been that the general election will be enough of a mandate. But both the left think-tank, the Institute for Public Policy Research and, more guardedly, today's Constitution Unit report suggest that a referendum could go a long way towards entrenching public support for, and understanding of, the Scottish Parliament. This will be heresy to some Labour Scots, of course, who are convinced it isn't necessary: but if it isn't, what is there to fear?"¹⁵⁷

Scottish Labour's General Secretary, Jack McConnell, recalls that he read Macintyre's article on the shuttle from Glasgow Airport after being summoned to a meeting in London, "Donald Macintyre was speculating that this might be an idea that was worth looking at. And I thought, I wonder if that is the reason that I am coming down to this meeting."¹⁵⁸ The fact that the party's most senior official was being brought into the loop at such a late stage shows how little consultation there had been within the party. McConnell says that he shared Blair's analysis and, unlike Robertson

¹⁵⁷ Donald Macintyre, "Fear and Loathing on Home Rule Trail", *The Independent*, 25 June 1996

¹⁵⁸ Jack McConnell interview 2 July 2009 (Edinburgh)

and Dewar, was immediately enthusiastic about the plan: "I remember TB being very nervous. He had clearly been told that he had a big challenge on his hands to persuade me this was a good idea and that if I wasn't persuaded it might be difficult to carry it through. So, I remember him being very nervous and then being essentially relieved that I shared the analysis if anything more enthusiastically than him. I just believed it was the right thing to do."¹⁵⁹ McConnell's agreement to a referendum was significant because his influence over the party machine in Scotland was important to deliver the agreement of key bodies like the Scottish Executive Committee. Campbell recalls that the focus now began to shift to how the announcement of the u-turn would be managed:

"Donald said he, GB and GR had been discussing TB's proposals and felt it was better if George did it all on Thursday and TB went up on Friday. He said it was very important it was not seen as the leader coming up on the big bird and telling us all what to do. He said he agreed with the idea of the referendum, but was very resistant to the idea of making clear Westminster retain power over it all. TB, in truth, was also very anxious to lose the tax-raising powers as well, but was going along with it for now. We asked Jack McConnell to come down for the day and start to get things in motion. TB had got hold of RC and squared him. Both GR and DD were on terrific form. They realised TB was adamant on this, and they had come round, or at least appeared to have done, to the intellectual strength of the position, and they now seemed up for it. GB had not turned up for the meeting which may have been his way of signalling that he had not shifted his position at all" (Campbell 2010: 479).

¹⁵⁹ Jack McConnell interview 2 July 2009 (Edinburgh)

Jack McConnell says, "We knew that there were sections of the Scottish media who would suggest that he had been over ruled and that this had been forced on him. And that would undermine his position."¹⁶⁰ However, it is now clear that to some extent the decision was forced on both Dewar and Robertson. Tony Blair's determination to change policy in favour of a referendum had overcome opposition from all the senior Scots in the Shadow Cabinet, who were basically opposed at first, but came round in time.

The ability of Donald Dewar and George Robertson to resist a referendum was weakened by the institutional changes in the balance of power within the Labour Party as the centre reasserted itself, but they had also been pushed onto the defensive by the potency of the Conservative Party's 'tartan tax' campaign. John Major's Government was convinced that its strong 'save the union message' had helped them win the 1992 general election. It is clear from the contributions of MPs during a day long strategy conference held in the aftermath of the election that this view also had traction in the Labour Party. For example, Western Isles MP Calum MacDonald said:

"As regards the result in Scotland, the lesson is that the Tory strategy worked. They sought to get attention away from all the issues on which they were unpopular, Poll Tax, NHS, unemployment etc and to focus on a simplistic black-and-white version of the constitutional argument: union versus separation. They succeeded and saw their vote go up and stay ahead of the SNP. The lesson for us is that there is no separate Scottish route to socialism. If ever we allow a future Scottish election to become

¹⁶⁰ Jack McConnell, interview 2 July 2009 (Edinburgh)

polarised over union versus separation, with the Tories as the party of the union, and us as the party of separation, we would play right into Tory hands.”¹⁶¹

The Scottish Secretary, Michael Forsyth, was trying to repeat the trick by waging a high profile campaign against the Scottish Parliament's proposed tax-varying powers. He had chosen a particularly sensitive issue because Tony Blair and Gordon Brown were intent on shedding Labour's image as a party of high taxation (Denver et al 2000: 42; Mitchell 1998: 493-494). The Labour leadership believed that the commitment to increase tax on middle and upper earners in John Smith's shadow budget in 1992 had cost them valuable votes (Taylor 1999: 72). Jack McConnell comments that, “I think that there was a degree of concern that having dealt with the issue of tax from every other angle, the one place that the Tories might raise the issue of tax in a way that then exploded onto the UK general election agenda was in Scotland.”¹⁶² A referendum offered a way of defusing both of the Conservative's key campaign messages on the Union and taxation during the general election by seeking separate endorsements for the Scottish Parliament and the proposal that it should be given the power to vary tax (Brown 1998: 25).

The Labour Party's commitment to a Scottish Parliament was nestled within its overriding aspiration to form a Government at Westminster. For those members of the Cabinet who represented English constituencies devolution was a very marginal issue. Robertson says he feared that if he continued to oppose a referendum then Blair would drop the commitment to legislate for a Scottish Parliament in the first year of a Labour Government: “I'd worried that a Labour cabinet, in total, with all the different

¹⁶¹ Minutes of Labour Party Strategy Conference, Falkirk, 3 July 1992

¹⁶² Jack McConnell interview 2 July 2009 (Edinburgh)

people involved... faced with the prospect of the whole of the first session being devoted to devolution and a guerrilla war being fought in the House of lords might have said, 'Sorry, that's business for the second session, or even the second parliament'. So my view, with Donald's, was that we had to go for the referendum."¹⁶³ Instead, he concentrated his efforts on ensuring that the integrity of the Convention scheme itself was maintained. The announcement of the referendum was not accompanied by an explicit statement, as Blair would have wished, that 'power devolved is power retained'. Jack McConnell says that George Robertson deserves credit for this, "Robertson was a very firm advocate that you couldn't pick apart the Convention scheme in that kind of way and stood his ground very firmly."¹⁶⁴ There was, then, a process of negotiation between senior actors that showed both the extent and the limits of Blair's power.

Reaction to the Announcement of a Referendum

When news of Labour's impending u-turn leaked in the *Independent* it caused an almighty row. On June 26, 1996, Andrew Marr followed up Donald MacIntyre's column with a news story in which he forecast that Blair would 'go for the referendum within days'.¹⁶⁵ His only mistake was to predict that it would be a multi-option referendum including independence. The Scottish Liberal Democrat leader, Jim Wallace, who had been working with Labour in the Scottish Constitutional Convention says he was furious at the way it was sprung on them, "It seemed to me to

¹⁶³ George Robertson, interview for BBC Radio Scotland, 7 November 2003

¹⁶⁴ Jack McConnell, interview 2 July 2009 (Edinburgh)

¹⁶⁵ Andrew Marr, "A choice for Scotland, a risk for Blair", *The Independent*, 26 June 1996

be a vacillation heralding a retreat.”¹⁶⁶ Wallace also gave the news to the Dundee East MP John McAllion who, despite being the Labour Party's frontbench spokesman on constitutional affairs knew nothing about it and resigned in protest. Within minutes of hearing the announcement, Harry Ewing, a former Labour minister, also resigned as joint Chairman of the Scottish Constitutional Convention. He told Radio Four's *The World Tonight*: “I have been through too many legislative procedures, and I have been at the door of a Scottish Parliament a number of times, and had it slammed in my face. I recognise all the signs.”¹⁶⁷ The fact that senior figures learned about the new policy from the media, or their political opponents, caused real anger.

The shift in policy prompted an emergency meeting of Scottish Labour MPs at Westminster. The level of concern and dissent in the group is hinted at by fact that the meeting went on for over two hours and 24 MPs spoke. The minutes of the meeting show how Robertson stressed to Scottish Labour MPs that the Constitutional Convention scheme was to be the basis of Scottish Parliament. This gave him just enough cover to claim that a referendum would be a means of delivering devolution, not scaling it back:

“The Shadow Secretary for Scotland, George Robertson said he wanted devolution in the form of a Scottish Parliament. His sole interest was to see the agreement which had been drawn up by all parties to the Scottish Constitutional Convention become a reality. He said that one of his own personal achievements was to have played a part in that agreement. The Scottish Constitutional Convention's scheme was to be the basis of the Scottish Parliament. He explained that a high-powered ad hoc Shadow

¹⁶⁶ Jim Wallace, interviewed for BBC Radio Scotland, 20 September 2004

¹⁶⁷ *The Herald* 28 June 1996

Cabinet Committee had been set up in November '95 to consider the implementation of the scheme through to legislation. He emphasised that the scheme, the timetable and the powers had been agreed and nothing in that had changed, but the handling of the process had to be based on political judgement. There was no way of getting away from the relentless questions that appeared to have no answer, and the decision to hold a referendum was part and parcel of the process of implementation. He said that the leadership was committed to campaigning for a yes vote under a united party, there would be no slippage in the timetable, the commitment to deliver a Scottish Parliament during the first year of a Labour Government remained."¹⁶⁸

Unfortunately, the individual contributions of other MPs are not recorded. This was unusual and contrasts with the minutes of most other meetings in the archive, which provide a fuller account of members' views. The brevity of the minutes suggests that this was an angry meeting and the party did not want criticism of the leadership written down in a form that could leak to the press. Instead, the document euphemistically records that some members of the Group "complained about inadequate consultation":

"In reply, George said that he very much regretted the way in which the proposal to hold a referendum had emerged. He emphasised the need for a tactic that would allow the Party the opportunity to go on the offensive. It would strengthen and legitimise the argument, entrench the Scottish Parliament and wrong-foot the Tories. To the accusation of a u-turn, George said that circumstances often dictated a change of position. A referendum would not interfere with the Scottish Constitutional Convention scheme. The implementation of the plan was up to individual Parties. The exact terms of the referendum had still to be decided but there would be a question on

¹⁶⁸ Scottish Parliamentary Labour Group Minute 43, 26 June 1996

tax-varying powers. In conclusion, George said that the consent and assent of the Scottish people was a pre-requisite to legislation. A referendum Bill would be introduced on a three line Whip within weeks of a Labour Government coming to office.”¹⁶⁹

Robertson's account is broadly consistent with the explanation that he gave to the media, in Glasgow, the following day, when he repeated the claim that for months he had been working in a Shadow Cabinet Committee, which had concluded that a referendum was the best way of delivering a permanent, robust and secure Scottish Parliament into the future.¹⁷⁰ This was a misleading statement. Although a committee had been formed in November or December 1995 to review policy on devolution it is clear that, at best, it played only a minor part in the shift towards a referendum. The u-turn was Tony Blair's personal initiative.

The furore caused by the announcement was so great that Blair felt it necessary to fly to Scotland and personally make the case for the referendum at a meeting of the Scottish Executive Committee on June 28th. The leadership's control of the party machinery was an important political resource. A motion was passed by 20 votes to 4 stating that “the executive supports this move to democratically anchor the Scottish Parliament by a specific positive vote by the Scottish people.”¹⁷¹ But members were told there was ‘no time’ to vote on the separate question on tax, which became the focus of opposition.¹⁷² A few days later, at the Scottish Parliamentary Group meeting

¹⁶⁹ Scottish Parliamentary Labour Group Minute 43, 26 June 1996

¹⁷⁰ *The Herald*, 28 June 1996

¹⁷¹ Labour Party Scottish Executive Committee, motion moved by Anne McGuire, 28 June 1996

¹⁷² Margaret Curran, Bill Spiers, Ian Smart, Bob Thomson “The Case for a Single Question” 23 August 1996

on July 2nd, left-wing MPs Willie McKelvey and Maria Fyfe made another attempt to get the policy changed. They presented a motion calling upon the leadership to enter into talks with the Scottish Constitutional Convention, “with a view to agreeing a satisfactory single question referendum based around establishing support for the Scottish Constitutional Convention’s scheme for a Scottish Parliament”.¹⁷³ However, the Chair ruled the motion out of order and it was never put to the vote. This shows how institutional rules, and the way they are applied, can have very important political consequences.

On August 26th four prominent party activists including Margaret Curran, from the Scottish Labour Women’s Caucus, Bill Speirs, the Deputy General Secretary of the STUC, Ian Smart, a founder member of SLA and Bob Thomson, Scottish Labour’s Treasurer, published a second pamphlet condemning the two-question referendum. They argued that: “The second question, deliberately or otherwise, will be the mechanism on which our entire devolution scheme will flounder. As a wrecking device, it is even worse than the infamous 40% rule. It will betray the people of Scotland who have remained loyal to us over 17 barren years.”¹⁷⁴ When the Scottish Executive met a few days later, on August 31st, another serious effort was made to change the policy. A compromise was eventually agreed by 23 votes to 16. The committee accepted the second question asking for an endorsement of the detailed revenue raising powers outlined in the White Paper, but said “such powers will only be activated by another referendum called by the Scottish Parliament itself”.¹⁷⁵ George Robertson hailed the decision as “a major step forward for Labour” but the

¹⁷³ Minute 53, Scottish Group Meeting 2 July 1996

¹⁷⁴ Margaret Curran, Bill Speirs, Ian Smart, Bob Thomson “The Case for a Single Question”

23 August 1996 p3

¹⁷⁵ Scottish Executive Committee decision, 31 August 1996

press ridiculed the new position and it held for less than a week.¹⁷⁶ On September 6th the Labour Party held a press conference at its Glasgow headquarters to announce that the second referendum was being ruled out because it carried 'no support'. This was effectively the end of the revolt.

VI. Conclusion

This case study shows how internal changes in the relationships between actors and interest groups within an institution can be as significant as external pressure in destabilising the existing consensus in a given policy area. Leadership and resources in political parties, like the Labour Party, are fractured between different actors and interest groups. The shift in policy towards a pre-legislative referendum is a clear example of how purposive action by an individual agent can make change happen. Tony Blair was sceptical about devolution and concerned about what it would mean for the future of the Union. At the very least, he wanted Scots to show that they really wanted it before giving the policy his full support (Blair 2010: 252). The context created both by external circumstances and internal changes in the relationships between actors in the Labour Party gave him the resources to push through this change despite initial opposition from all the senior Scots in the Shadow Cabinet.

The effectiveness of the Conservative Party's high profile 'tartan tax' campaign helped to undermine the consensus that victory in a general election provided a sufficient mandate for devolution. George Robertson's comment to the Scottish Parliamentary Group that "there was no way of getting away from the relentless

¹⁷⁶ George Robertson, quoted by the Press Association, 31 August 1996

questions that appeared to have no answer” shows that he felt under pressure.¹⁷⁷ However, the shifting institutional landscape inside the Labour Party also deprived senior Scots in the Shadow Cabinet of resources to resist Blair's demand for a referendum. From the mid-1980s, power in the Labour Party had gradually been consolidated around the leadership at the centre, but this was an uneven process. Neil Kinnock required energy and focus to assert his control over Conference and the left-dominated National Executive Committee. As a result, he had little interest in Scotland and was prepared to allow Donald Dewar a large degree of autonomy over his brief. When Tony Blair was elected as Labour leader, in 1994, he firmly held the reigns of power in his hands.

As Eric Shaw observes, “The experience of the venomous infighting of the early 1980s coupled with the long series of election defeats instilled a firm self-discipline, a reluctance to articulate criticism in public or in any way rock the boat” (Shaw 2000: 10). New Labour was ruthlessly focused on winning power and very intolerant of internal conflict. When you add into this mix the lack of priority with which most English Labour MPs regarded devolution it is clear that the Shadow Scottish Secretary George Robertson had a limited amount of leverage. Nevertheless, the Scots remained a significant regional elite. Gordon Brown was a major power broker in his own right, while Robin Cook and Donald Dewar also performed strongly in Shadow Cabinet elections. Their position on devolution was given weight by cross-party support from the Liberal Democrats, who Blair was intent on building closer links with, and sustained pressure from Scottish civil society throughout the 1980s and

¹⁷⁷ Scottish Parliamentary Labour Group Minute 43, 26 June 1996

1990s. Blair was therefore required to engage in a process of pulling and hauling within the Shadow Cabinet to win support for his referendum plan.

This case study shows how the patterns that institutions create reproduce and magnify the distribution of power (Thelen 1999: 394). Tony Blair's unrivalled authority as Labour leader and the imminent prospect of power changed the institutional context of the policy debate and defined the range of possibilities for other actors. George Robertson and Jack McConnell believe that they won a significant commitment from him that Labour's proposals would be based on the Constitutional Convention scheme, a deal that had been negotiated solely in Scotland and with rival parties involved (Taylor 1999: 68). Once they had accepted that a referendum would take place, they in turn used their control of the party machinery in Scotland to block further opposition. For example, when Willie McKelvey and Maria Fyfe put forward a motion at the Scottish Parliamentary Labour Group for a single question referendum it was ruled out of order.¹⁷⁸ Similarly, members of the Scottish Executive Committee were prevented from voting on the separate question of tax at their meeting on July 28th.¹⁷⁹ This process was not smooth or seamless, but eventually the leadership got its way.

There are two other significant points that emerge from this case study. The first is the way in which it confirms Thelen's observation that while institutions reinforce power disparities, in politics losers do not necessarily disappear. Those who are disadvantaged can continue to pursue their objectives within existing institutional

¹⁷⁸ Minute 53, Scottish Group Meeting 2 July 1996

¹⁷⁹ Margaret Curran, Bill Spiers, Ian Smart, Bob Thomson "The Case for a Single Question" 23 August 1996

frameworks or wait until changed circumstances create new opportunities (Thelen 1999: 387). The Labour leadership's control over the policy-making process and party organisation accelerated after Tony Blair's landslide victory in 1997. However, the experience of Government shifted the debate into a new context in which Donald Dewar was able to win back some of the ground that had been lost. Furthermore, he benefited from the unintended consequences of the decision to go for a referendum, which enforced a strict timetable for the publication of the White Paper. Blair saw how a pre-legislative referendum would help to minimise opposition to the Scotland Bill, but he probably didn't appreciate that forcing the pace on the White Paper also limited the opportunity for scrutiny by other Whitehall departments. As I will discuss in the next chapter, the decisions taken in the new government's first few weeks were then effectively locked-in by the referendum itself. Dewar's comment on Radio Scotland that the handsome majority for a Scottish Parliament "totally knocked out the opposition" applied equally to the Conservative Party and his own critics in the Government.¹⁸⁰

¹⁸⁰ *Stark Talk*, BBC Radio Scotland, January 11th, 2000

6

LEGISLATING FOR A SCOTTISH PARLIAMENT

I. Introduction

This chapter focuses on the authorship of the White Paper *Scotland's Parliament*, which was presented to the House of Commons on July 24th, 1997. It was HMSO's biggest selling publication since the Profumo Report, but readers looking for sex and scandal would be disappointed. The document laid out the new Labour Government's devolution scheme in simple, clear English. In his introduction, the Scottish Secretary Donald Dewar stated that, "the Scottish Parliament will strengthen democratic control and make government more accountable to the people of Scotland".¹⁸¹ The scheme substantially reflected the plan drawn up on a cross-party basis by the Scottish Constitutional Convention. The new Parliament would have the power to introduce primary legislation in a large number of areas and raise or lower taxes by up to 3p in the pound. Most journalists interpreted this as a personal triumph for Dewar. *The Scotsman's* Political Editor Peter McMahon wrote that, "The extent of Mr Dewar's victory over the devo-sceptic lobby in the Cabinet could be seen in the proposals which went further than most people had predicted."¹⁸² He added that one of the surprises was the confirmation that a Scottish minister could lead a UK delegation in Europe's Council of Ministers. McMahon's enthusiasm about the White Paper contrasts with many academic commentators. Paterson *et al* say the White Paper

¹⁸¹ Scottish Office, *Scotland's Parliament*, HMSO, 1997, p vii.

¹⁸² *The Scotsman* 25 July 1997

contained few surprises, except that it was written in an uncharacteristically accessible style for a government document (Paterson *et al* 2001: 12).

There are several texts focusing on the content of the Scotland Act. (see for example Paterson *et al* 2001; Mitchell *et al* 2000; Bogdanor 1999; Himsworth & Munro 1998) However, the legislation's progress through Whitehall, and the two Houses of Parliament, is relatively neglected by the literature. Many academics seem to assume that the hard negotiations had already taken place in the Scottish Constitutional Convention and there was then a seamless transition to the Labour Government's White Paper and the final legislation. Bogdanor states that the cross-party consensus behind the Convention scheme made it difficult for MPs to suggest alternative proposals (Bogdanor 1999: 198). It is true that Labour's landslide majority of 179 helped to ensure that no significant amendments were made to the Scotland Bill after it was introduced in the House of Commons. Unlike James Callaghan's administration, or John Major after 1992, Tony Blair did not have to worry about indiscipline on the backbenches or make fine calculations about how to get his legislation through Parliament (Kavanagh 2001: 9). However, this thesis argues that tracing the political process in detail reveals a high degree of contestation in which many battles over key elements of the Convention scheme, such as proportional representation and tax-raising powers, had to be re-won.

The White Paper on devolution was considered and debated in the Cabinet Sub-Committee on Devolution to Scotland, Wales and the Regions (DSWR). As I explained in Chapter One, I attempted to use the Freedom of Information Act to gain

access to the minutes of the committee's meetings. The Information Commissioner ruled that it was in the public interest for these documents to be released. However, the then Justice Secretary Jack Straw – who was himself a member of the committee – vetoed his decision. In a written statement to Parliament, he said the Government's position was that disclosing the information could have an adverse effect on the ability of ministers to conduct rigorous and candid assessments of their policies. He added that Ministers also have a constitutional duty to be collectively accountable for Government decisions, "The disclosure of individual and divergent Ministerial views would mean that the Government would be unable convincingly to put forward the collective decision for which all Government ministers are accountable."¹⁸³ This is only the second time that a ministerial veto has been used to prevent the publication of Cabinet minutes. It can justifiably be claimed that the research for this thesis has tested the limits of the Freedom of Information Act and I will describe my experience in detail in a separate appendix.

Some of the documents published as part of the Holyrood Inquiry into the Scottish Parliament building project do provide a valuable insight into the preparations that were made by the Scottish Office and the production of the White Paper. However, the refusal of the Cabinet Office to publish the minutes of DSWR means that this thesis mainly relies on interview evidence and secondary sources, such as the media and published memoirs. Although there are significant gaps in our knowledge, the empirical evidence presented in this chapter makes an important contribution to the

¹⁸³ Jack Straw MP, Secretary of State for Justice, Exercise of the Executive Override under Section 53 of Freedom of Information Act 2000, In Respect of the Decision of the Information Commissioner dated 23 June 2009 (Ref: FS50100665), Statement of Reasons, 10 December 2009

literature. I also hope that as a case study this research will provide a theoretical insight into our understanding of path dependence. It shows that what might appear to be a locked-in consensus can actually be the focus of political struggle and ongoing skirmishing between individual actors and interest groups.

The first section of this chapter will explain why the publication of the White Paper was a crucial ‘constitutional moment’ in the devolution debate. Most obviously, it defined the legislative powers of the new Scottish Parliament and provided the basis on which Labour fought the referendum. I will then briefly discuss the earlier attempts to legislate for home rule in the UK. The most obvious precedent is the Scotland Act 1978. It took Labour ministers three years to draft their White Paper on devolution in the 1970s. Donald Dewar and his team had three months (Jones 1997a; Leicester 1996). The next section will analyse the political and institutional context in which the legislation was shaped and debated. The size of Labour’s majority following their landslide victory in the 1997 General Election meant that the key debates took place inside the Government between ministers and officials. I will attempt to trace the political process to provide a detailed account of the negotiations over the White Paper and the passage of the legislation. In the conclusion, I will describe how the empirical evidence set out in this chapter contributes to our understanding of the political process and analyse its theoretical significance.

The Significance of the White Paper

The Scotland Act (1998) is crucial because it defined the legislative powers of the Scottish Parliament. It contains some 40,000 words of careful prose and civil servants say it took 60,000 ‘person hours’ to prepare. It has 116 clauses and there are eight schedules setting out the consequences of devolution in precise detail.¹⁸⁴ Contrary to the Constitutional Convention scheme it adopted the mechanism from the Government of Ireland Act (1920), setting out the powers that would be reserved to Westminster. These included the constitution of the UK, foreign policy, defence and national security, employment law and social security. There was some disappointment that responsibility for functions such as broadcasting and equal opportunities had not been devolved (Paterson et al 2000: 12). But the proposals were seen to deliver on Labour’s manifesto commitment, which committed the party to, “the creation of a parliament with law-making powers, firmly based on the agreement reached in the Scottish Constitutional Convention”.¹⁸⁵ The emphasis on tax-raising powers, extensive functional responsibilities and a proportional electoral system was seen to represent a significant advance on the legislation that the Callaghan Government had toiled to get on the statute book in the 1970s.

One way of judging the significance of the Scotland Act (1998) is how well it has endured in the decade since the Scottish Parliament was established. The former Welsh Secretary Ron Davies famously described devolution as ‘a process, not an event’ (Davies 1999). He hoped that the new assembly in Cardiff would gradually accrue more powers as it evolved and grew. This is essentially a more positive take on Tam Dalyell’s siren warning that devolution entails an inevitable drift towards independence (Dalyell 1977). Whether either of them is right is a matter of debate.

¹⁸⁴ *The Scotsman* 18 December 2007

¹⁸⁵ Labour Party Manifesto, ‘*New Labour Because Britain Deserves Better*’, 1997

Davies himself points out that Wales has just voted in a referendum for law making powers, “That is little more than a decade. I would not comment on Scotland but in Wales there has been a transformation of the social and political attitudes towards devolution and the process goes on.”¹⁸⁶ In Scotland, the only notable changes made to the devolution settlement since 1999 have been to maintain the same number of MSPs when the number of Scottish seats at Westminster was reduced and to devolve additional powers relating to rail transport. David Cameron’s Conservative-led Government is committed to implementing the recommendations of the Calman Commission, which are designed to make the Scottish Parliament more financially accountable. It recommended that MSPs should have more control over income tax and the ability to raise money for capital investment by prudential borrowing. Calman added that Holyrood’s legislative competence should also be extended to include responsibility for airgun legislation, powers over drink driving and speed limits.¹⁸⁷ However, these are relatively minor changes that do not alter the broad thrust of the original legislation. It can be argued that to a very large extent devolution has, so far, been an event, not a process.

The point is that the Scotland Act (1998) was of critical importance in defining the character and scope of the constitutional settlement. The legislation delivered on the promises made in the White Paper, *Scotland’s Parliament*.¹⁸⁸ John Sewel was the Scottish Office minister who steered the legislation through the House of Lords. He argues that, “The first, and perhaps the most strategically important, task of the entire legislative process was the writing of the White Paper (Sewell 2005: 130). The White

¹⁸⁶ Letter from Ron Davies to Andrew McFadyen, 6 February 2011

¹⁸⁷ Commission on Scottish Devolution, *Serving Scotland Better: Scotland and the United Kingdom in the 21st Century*, Final Report - June 2009

¹⁸⁸ Scottish Office, *Scotland’s Parliament*, HMSO, 1997

Paper provided the basis on which Labour would fight the referendum and provided an authoritative reference in later discussions on the details of the Bill. The Scottish Office had identified its best legal brains and set them to what was a very challenging technical exercise. To take just one example, how could Scottish ministers have a voice in European negotiations over issues such as fishing when the UK was the member state? (Taylor 2002) Many of these questions also had political implications that were hotly debated by ministers and civil servants.

Once the White Paper was presented to the House of Commons, there were no significant amendments in any of its subsequent parliamentary stages. As Bogdanor points out, “For all practical purposes, the Scotland and Government of Wales bills reached the statute book in the same shape and form as when they were introduced into the Commons” (Bogdanor 1999: 202). However, this thesis argues that it is a mistake to assume that the proposals were not contested. Unravelling the highly centralised government of the United Kingdom involved negotiations with virtually every department in Whitehall. BBC Scotland’s Political Editor, Brian Taylor, identifies a meaningful bargaining process in the Cabinet Committee on devolution, which has not been properly considered by the literature. For example, he noted that the team who drafted the White Paper were aware that the so-called ‘tartan tax’ would impact disproportionately on low earners because it applied to the basic rate of income tax and not to upper brackets. As I will discuss later in this chapter in more detail, they argued with the Treasury that the Scottish Parliament should have the power to vary income tax over the full range of UK tax bands. But the proposal was rejected because ministers from other departments were unwilling to extend the scope

of devolution (Taylor 2002: 259-259). Newspaper reports also suggest that Dewar faced hostility from other members of the Cabinet, such as the Home Secretary Jack Straw and the Agriculture Secretary Jack Cunningham, who wanted to equalize spending between Scotland and England. They were reportedly concerned that a strong Scottish Parliament would disadvantage the English regions.¹⁸⁹

The evidence presented in this thesis shows that there was a process of pulling and hauling between senior ministers to resolve these issues. One Scottish Office civil servant described the negotiations with other Whitehall departments as “classic turf war”.¹⁹⁰ Wendy Alexander, who worked on the legislation as Donald Dewar’s special adviser, says that battles over key elements of the Constitutional Convention scheme, such as proportional representation and tax-raising powers, had to be re-fought when the legislation was discussed with other ministers in Cabinet Committee:

“Donald walked into the Cabinet Committee to be surrounded by colleagues who knew they were committed to a Scottish Parliament, but did not feel that the manifesto had committed them to every dot and comma of the Convention scheme. And so what you saw in those frenetic weeks in May and June was Donald re-winning the arguments for the dot and comma of the Convention scheme. And I am thinking, for example, of PR which to this day doesn’t find favour in the Labour Party as the right elective system for a legislative Parliament like Westminster, so that issue had to be re-fought. The whole issue of the tax-varying powers, the whole issue as to whether the Scottish Parliament would have the right to scrutinise European legislation, the fact that the powers were very

¹⁸⁹ *The Scotsman* 27 July 1997

¹⁹⁰ Civil Servant B, interview 5 December 2003 (Glasgow)

different from those that had been proposed in '79. And so it went on. Donald refought all of those battles in those weeks."¹⁹¹

Some senior members of the New Labour Government, including the Prime Minister Tony Blair, had serious doubts about the devolution project. At the very least they wanted to subject it to intense scrutiny (Blair 2010: 252; Seldon 2005: 205). Some academics do acknowledge that Dewar was seen as one of the new Government's 'big hitters' (Mitchell *et al* 2000: 170). His reputation as an effective Chief Whip in opposition and strong relationship with the Prime Minister gave him authority in negotiations with other ministers. However, none of the academic accounts adequately analyses Dewar's role during this crucial period or attempts to assess how he influenced the policy debate.

III. Background: Devolving Power

Donald Dewar was appointed as Secretary of State for Scotland following Labour's victory over the Conservatives on May 1st 1997. In his study of the Scottish Office, David Torrance comments that Dewar "cannot be subject to the usual assessments of Scottish Office performance, for this was a Secretary of State whose *raison d'être* was the subversion of a UK government department by a directly elected Scottish parliament" (Torrance 2006: 337). The post of Scottish Secretary was the culmination of his political career, rather than a stepping-stone to a more senior post elsewhere in the Cabinet. As his friend Ruth Wishart observed, "he has the outstanding virtue – not

¹⁹¹ Wendy Alexander, interviewed for BBC Radio Scotland, 20 September 2004

shared by all of his fellow Scots in the cabinet – of having a real and keen appetite for the job. He is not a man who ever supposed the Scottish Office to be a consolation prize, or a rite of passage to other posts. He's there because he wanted to be there.”¹⁹²

This gave Dewar a greater degree of independence than some of his younger and more career orientated colleagues in other departments who might be less willing to damage their long-term prospects by pushing an argument too far. His long record of support for constitutional change also helped to rebuild trust with other political parties and Scottish civil society, which was an important factor in the run-up to the referendum campaign (Taylor 1999). George Robertson, who had shadowed the job in opposition, was moved to the Ministry of Defence. Having gone through the gruelling period of the row over the referendum, he says that it wasn't a great surprise, “there was a mixture of disappointment, of course, because I would have liked to have seen the project through, but there was also an element of relief and recognition that it was probably the right decision.”¹⁹³

The most obvious precedent for Dewar and his team of advisers when considering how best to legislate for devolution was the Scotland Act (1978). However, it was also a warning from history. Trawling through the statute as it then applied to Scotland and applying responsibility for each statute to either Westminster or Edinburgh had been an enormously laborious and complex task. Graham Leicester comments that, “In many cases even within a statute some sections were devolved and others not. The result was a list of Edinburgh's legislative competence that ran to 28 pages of the statute book” (Leicester 1996: 4). The negotiations over the legislation

¹⁹² *The Herald*, 4 May 1997

¹⁹³ George Robertson, interviewed for BBC Radio Scotland, 7 November 2003

had involved almost every government department and taken two years of Whitehall committee time between 1974 and 1976. Blair was aware of this history and concerned about getting a bill through Parliament (Blair 2010: 251). Wendy Alexander says this was a significant concern, “Blair insisted that the manifesto had to be capable of being legislated on at Westminster with a minimum of fuss and immune to any future Conservative government.”¹⁹⁴ Part of Dewar’s task was to ensure that devolution did not come to dominate the parliamentary timetable or derail other manifesto commitments.

The role of the Scottish Constitutional Convention in providing a detailed blueprint for devolution has been widely discussed by the literature (See for example Lynch 1996; Brown et al 1998; Denver et al 2000). New Labour was also influenced by a report written by Graham Leicester for the Constitution Unit in 1996, *Scotland’s Parliament: Fundamentals for a New Scotland Act*. He warned against the temptation to dust down and update the 1978 Act: “No allocation of powers is without its grey areas, but the 1978 Act failed to adequately acknowledge this. As a result it was impossible to understand without reference to other legislation, it would have been difficult to use in practice, and it would have required frequent amendment.”¹⁹⁵ Instead, his report recommended a radically different approach based on the Government of Ireland Act (1920), which established the Stormont Parliament. He argued that the bill would be more workable in practice and easier to draft if it defined

¹⁹⁴ Wendy Alexander, interview 10 August 2009 (Braehead)

¹⁹⁵ Constitution Unit, University College London, *Scotland’s Parliament: Fundamentals for a New Scotland Act*, 1996.

the much shorter list of powers reserved to Westminster rather than those to be devolved.

The implications of this change in institutional design were political as well as technical. One significant advantage of the reserved powers model was that it would help avoid the difficult scenario of the Scottish Parliament, once it was established, having to ask Westminster for power to act in a certain area that was logically within its competence, but which had been overlooked by prescriptive legislation. Making the responsibilities of the new Parliament implicit rather than explicit effectively gave it a power of general competence to act in any area that was not specifically excluded by the Scotland Act. This was a notable advance on both the 1978 Act and the Constitutional Convention scheme. Shadow Scottish Secretary, George Robertson had considered the idea and rejected it as too radical a step. Jack McConnell, who was Scottish Labour's most senior official, says, "We had looked at that in the Convention and we had basically made a judgement that it would have been too much of a shift in the thinking of the parties in opposition to turn that on its head like that, too big a shift to explain publicly. It was more important to get the package right and then make the case."¹⁹⁶

In his study of institutional innovation and the development of the US Congress, Eric Schickler argues that change emerges from coalitions of reformers who support particular policies for disparate reasons. His model is 'pluralistic' in its reference to

¹⁹⁶ Jack McConnell interview, 2 July 2009 (Edinburgh)

different interest groups – including political parties, individual power bases and policy pressure groups – and ‘disjointed’ in that new institutional mechanisms are layered on top of pre-existing ones (Schickler 2001). We can see some of the same characteristics in the debate about the White Paper and the way that Dewar created a consensus between different interest groups. George Robertson and Jack McConnell had ruled out a power of general competence as part of the Constitutional Convention scheme because they saw it as too big a change in the Labour Party’s thinking. They were concerned that it would rally the anti-devolutionary forces. Wendy Alexander comments scathingly that, “The Convention had hobbled itself to ask for less than local government and it is Scottish myth making that we ignore or deny that reality now.”¹⁹⁷ Dewar succeeded in changing the policy by focusing attention on the fact that adopting the reserved powers approach would make the bill quicker and easier to draft, which was one of Tony Blair’s primary concerns. In doing so, Dewar gave devolution a legislative form that allowed a power of general competence. The need for speed simply rolled over any reservations.

IV. Political Context: Driving Policy from Edinburgh

Unlike in the 1970s, when the Cabinet Office led policy on devolution, the lead now came from the Scottish Office and Welsh Office respectively. This was an important change. Public choice theorists suggest that politicians and government bureaucrats pursue strategies to maximise their own interests by advancing the interests and shaping the role of their departments (Dunleavy 1991: 3). For example, civil servants may ask for a higher budget because it increases their own power and prestige. Public

¹⁹⁷ Wendy Alexander, interview, 10 August 2009 (Braehead)

choice accounts influenced right-wing politicians, such as Margaret Thatcher, who associated the growth of the state with self-interested bureaucrats. Critics contend that public choice viewpoints make simplistic assumptions about the extent to which a department of state, or indeed any organisation, can be treated as a unitary actor with a single maximising course of action open to it (Dunleavy 1991: 4). However, it was clearly in the self-interest of civil servants who were likely to transfer to the new Scottish Executive to pursue a strong devolution settlement because it would increase the importance of their own department and add to their own future career prospects. There was a unity of interest between ministers and officials.

The civil service had done a huge amount of preparatory work on how to deliver a Scottish Parliament. In the run up to the 1997 general election, Muir Russell headed a team that worked on how the Government could implement the Constitutional Convention proposals if Labour won the election (Taylor 1999). The Permanent Secretary, Sir Russell Hillhouse wanted Russell to have overall charge of the constitutional arrangements because he had been involved in similar preparations at the Cabinet Office five years previously in expectation of a Kinnock victory:

“The lesson we took from the previous attempt at devolution was that it was more sensible to have the main policy drive coming from the responsible department - that was, for Scotland, the Scottish Office and, for Wales, the Welsh Office - with a secretariat function in the Cabinet Office in London designed to help co-ordinate the reaction from the rest of the UK Government and to help catalyse the thing and make it happen. And it was those same arrangements that we wrote up and organised in the weeks preceding the 1997 Election so that we saw the policy drive coming from

Scotland and Wales, and the co-ordination coming from what became known as the DSWR Committee chaired by Lord Irvine and driven within the Cabinet Office in London.”¹⁹⁸

The decision that policy on Scottish devolution would be driven from Edinburgh, rather than Whitehall, was also a significant institutional change because it enabled Dewar and his team to set the agenda. They would have primary responsibility for writing the legislation.

Muir Russell had been identifying key people to put in place. When the election was called he created a Constitution Group, which was led by Robert Gordon. The first task of his formidable hand-picked team was to prepare a series of options for the incoming Secretary of State, Donald Dewar, about how relations would be handled both within the Scottish Office and with Whitehall. The new Secretary of State had his first formal meeting with senior civil servants, at Dover House, in London, on the Saturday after the election (Taylor 1999: 90). Robert Gordon took part in lengthy discussions with Donald Dewar and his two special advisers Murray Elder and Wendy Alexander about how they would legislate quickly for a Scottish Parliament. They were presented with the notes that had been prepared for the incoming secretary of state during the election period.¹⁹⁹ These documents are subject to the thirty-year rule, which restricts access to government information, but we get a flavour of them from one that was published in evidence to the inquiry into the Holyrood building project. It says, “There is nothing specific in your Manifesto about costs although it

¹⁹⁸ Muir Russell, interviewed for BBC Radio Scotland, 19 September 2004

¹⁹⁹ Civil Servant B, interview, 5 December 2003 (Glasgow)

states that: “The Scottish Parliament will be a modern legislature in tune with Scotland’s needs and designed for the 21st century”.²⁰⁰ The Secretary of State was then presented with a series of options about costs and accommodation for the new MSPs and up to 500 additional staff, mainly in Edinburgh. Officials predicted that the capital costs would be between £24.5 and £34 million. Ministers were asked to agree that, “New Parliament House (old Royal High School) is the firm choice for a Parliament building; and if so whether the capital set up costs should be met from within the Scottish Block or whether a bid for additional resources should be made.”²⁰⁰ In the event, the Old Royal High School was rejected as the choice for the Parliament building.

According to Wendy Alexander, this was one of around 30 decisions that needed to be made regarding devolution and the position that the Scottish Office would take in negotiations with the rest of Whitehall. These were questions which Labour’s manifesto and the Constitutional Convention had not addressed, such as whether or not Scotland could lead on delegations in the European Union, the treatment of Scottish criminal cases in the House of Lords, whether there should be a separate Scottish monopolies and mergers commission, the promotion of Scottish trade and industry overseas and what should be done about gender equality. Alexander says that Donald Dewar took the radical option on nearly all these questions: “There were about four that we said ‘no’ to. We weren’t going to play around trying to find a mechanism for entrenchment, ‘it is not possible minister’. That we can’t get, although

²⁰⁰ Briefing for Incoming Ministers, 7.1: Additional Cost of the Scottish Parliament Accommodation, Staffing and Related Costs, SE/2/169

we investigated, equal representation. ‘No’ to a monopolies and mergers commission, was it worth having a separate Scottish one. And probably let’s not revisit broadcasting... All the others would be ‘yes’.”²⁰¹ This was significant because the position that Dewar and his team adopted in negotiations with other Whitehall departments defined the parameters of the argument. To put it bluntly, if he rejected the radical option in his initial discussions with civil servants nobody else was going to put it back on the table.

V. The White Paper: Tracing the Process

As I have described, the Scottish Office’s preparations were informed by the Constitutional Convention document, which had been published on St Andrew’s Day 1995, and academic work from the Constitution Unit at University College London. Bogdanor seems to suggest that popular support for the Constitutional Convention scheme made for a smooth and seamless transition, “just because the Convention’s reports seemed, and no doubt were, supported by the bulk of Scottish opinion, it became difficult in 1997 for either the Blair government or Members of Parliament to suggest alternative proposals” (Bogdanor, 1999: 198). This is mistaken. In his testimony to the Holyrood Inquiry, Robert Gordon confirmed the view expressed by Wendy Alexander that working on the powers and functions of the Parliament, “involved very substantial negotiations with all parts of the Scottish Office, and beyond that with every part of Whitehall on what was to be devolved and what was to

²⁰¹ Wendy Alexander, interview, 10 August 2009 (Braehead)

be reserved.”²⁰² The competing interests of different Government departments had to be reconciled and most ministers did not regard themselves as bound by agreements that the Scottish party had made in opposition. Muir Russell says that colleagues who had their own departmental portfolios would always ask the question “what does this mean for me, how will devolution of these powers to Scotland relate to what I do from the viewpoint of London?”²⁰³

The changes made to the first draft of the White Paper reflected the difference in perspective between the politicians and the civil service. Dewar read the first rough draft of the document prepared by his officials, on June 7th, with Murray Elder as they drove up to watch the Camanachd Cup Final in Fort William. It was a dry technical document that reflected the concerns of the drafting team to deliver a robust piece of legislation. Dewar wanted something that he could campaign on in the referendum, which meant that the political messages had to be much higher up and not lost in the annexes. Former Scottish Office minister John Sewel says that, “Both the tone and the detail failed to capture the strong devolution model that Dewar advocated and, as it stood, failed to provide a convincing or attractive prospectus on which to fight a referendum” (Sewel 2005: 132). They summoned Wendy Alexander to Bute House, the Secretary of State’s official residence in Edinburgh, and spent that Sunday producing a complete new draft. As Murray Elder describes, “The first draft we saw of the actual White Paper... perhaps didn’t take sufficient account of the framework, the kind of need for a clear political message that actually you can trace back to the

²⁰² Robert Gordon, transcript of evidence to the Holyrood Inquiry, 4 November 2003 (afternoon session), paragraph 41

²⁰³ Muir Russell interviewed for BBC Radio Scotland, 19 September 2004

Green Paper and in that sense there were a number of internal issues because it was re-written by Donald and the two special advisers over the weekend, completely from start to finish.”²⁰⁴ According to press reports, Dewar and his advisers may have gone too far and caused disquiet in the party with the document’s *Braveheartish* spirit.²⁰⁵ Alistair Darling, Chief Secretary to the Treasury, and the Home Secretary, Jack Straw, apparently objected to what they saw as the nationalist overtones of the Scottish Office draft.²⁰⁶

The Cabinet Sub-Committee on Devolution, Scotland, Wales and the Regions

The difference in approach between ministers and officials in the Scottish Office, and the reported objections of other Cabinet ministers to Dewar’s first draft of the White Paper, show how leadership in big institutions, like the Government, is fractured between different actors, each with their own perspective and policy objectives. The cabinet sub-committee on Devolution to Scotland, Wales and the English Regions (DSWR) was the arena in which the White Paper was scrutinised and tested. Justifying his decision to veto the publication of the committee’s minutes, the Justice Secretary Jack Straw said:

“the importance of the work is evidenced by the fact that the Committee first met within a week of the General Election and fact that the intention to hold referendums on devolution was in the Queen’s speech of 14 May 1997. The DSWR Committee

²⁰⁴ Murray Elder, interview, 22 January 2007 (London)

²⁰⁵ *The Scotsman* 9 July 1997

²⁰⁶ *The Guardian*, 24 July 1997

represented the apex of Government decision-making on devolution issues, and these minutes cover the issues most central to this fundamental constitutional change.”²⁰⁷

DSWR held 15 meetings over eleven weeks from May to July 1997 and considered 39 papers prepared by the civil service (Irvine 2005: 127). It was chaired by the Lord Chancellor Derry Irvine and its membership included the Foreign Secretary, Robin Cook, and the Chief Secretary to the Treasury, Alistair Darling. Nevertheless, the Scots were in a minority on the 15-strong cabinet committee. Irvine says that every detail of the scheme was subject to close scrutiny and debate:

“DSWR, a committee of Cabinet ministers from across the United Kingdom, was clear from the outset that it was unwilling to rubber stamp the Convention blueprint, *Scotland's Parliament, Scotland's Right*, of 1995. This in no way diminishes the central importance of the achievement of George Robertson in particular and many others in securing agreement on the milestone of the Convention, but the reality was that only a Labour victory nationally, and then the United Kingdom government and Parliament, could deliver devolution. Some members of DSWR were underwhelmed by the Scottish project and every detail was rightly debated closely in Committee – a seamless transition from Convention to statute certainly there was not” (Irvine, 2005: 128).

His account underlines the fact that the transition from the Constitutional Convention scheme to the final proposals contained in the Scotland Act was not seamless. Irvine is withering about Scottish MPs who thought they could proceed “as though their

²⁰⁷ Jack Straw MP, Secretary of State for Justice, Exercise of the Executive Override under Section 53 of Freedom of Information Act 2000, In Respect of the Decision of the Information Commissioner dated 23 June 2009 (Ref: FS50100665), Statement of Reasons, 10 December 2009

lucky number had come up” and adds with a degree of apparent relish that there was “constant sniping” from those who lacked enthusiasm for devolution (Irvine, 2005: 128–129). It is clear that the proposals had to be defended against other Whitehall ministers.

Derry Irvine’s role in the preparation of the White Paper is fascinating. Brought up the son of a roofer in an Inverness council house, he was regarded as the most skilful committee chairman in the Government and was very close to the Prime Minister. Their relationship went back to 1976 when Irvine appointed him as a pupil in his legal chambers. He is also godfather to one of Blair’s sons. Alastair Campbell writes in his diary that, “Derry is not your obvious politician but he has a big brain and, more importantly in this context, Tony thinks Derry has a brain the size of a melon” (Campbell 2007: 18). But the Lord Chancellor had a difficult personal history with Donald Dewar. The two men had studied law together at Glasgow University, but fell out bitterly when Dewar’s wife Alison left him for Irvine in the early 1970s. This led the media to assume that the two of them couldn’t stand to be in the same room together. I asked the former Secretary of State for Wales, Ron Davies, who was a member of the Committee, to describe the relationship between the two men. He replied: “Toxic. Irvine was arrogant and patronising to Donald Dewar and clearly enjoyed the role he played. I know that at times Donald Dewar was despairing but always was outwardly professional. I never saw any sign of any personal rapport and publicly the tension was always suppressed.”²⁰⁸ Murray Elder, who also saw them working at close quarters, says this perception is misplaced: “The fact of the matter is

²⁰⁸ Letter from Ron Davies to Andrew McFadyen, 6 February 2011

they worked almost everything out in advance and at absolutely key meetings of DSWR the norm was for us to come down on the sleeper. Donald would drop me off at Dover House and he would go along to the Lords to have breakfast with the Lord Chancellor so they could discuss DSWR. Derry's sharpness and, once he was convinced of the merits of the case, his forcefulness was hugely important to DSWR and the process.”²⁰⁹ It is difficult to resolve these different accounts, but it seems reasonable to conclude that the two men had to work hard to overcome their dislike of each other.

According to press reports and interviews with those who were involved, the Home Secretary Jack Straw was the leader of the ‘awkward tendency’ on DSWR. According to an account by Blair’s biographer, Anthony Seldon, he was one of a group of senior MPs who approached Tony Blair soon after he became party leader and urged him to drop devolution because they saw it as a distraction from New Labour’s main focus on the economy and improving public services. They argued that it was not a priority for voters in England and it would take up valuable parliamentary time (Seldon 2005: 205). Now that he was involved in scrutinising the legislation, Straw was determined that it should assert Westminster’s ultimate sovereignty:

“Straw patiently and at some sacrifice turned up every time, was well briefed, always was concerned about the doomsday scenario... that in some nightmarish landscape, as they would see it, there was a Tory government in Westminster, there was an SNP administration in Edinburgh and they were trying to tug the UK apart. Would this set of arrangements stand up to that test? And that was Jack’s position... as a barrister testing

²⁰⁹ Murray Elder, interview, 22 January 2007 (London)

a hypothesis he was asking those hard questions.”²¹⁰

Straw publicly presented himself in the media as the custodian of England’s position within the Union. For example, speaking on BBC Radio Four he said: “It is important to protect the interests of the United Kingdom and England is a very important part of that... it will be seen when the Scottish White Paper is published that there are a very important set of passages there of preserving the integrity of the union.”²¹¹ According to press reports he also pressed hard for an equalization of spending north and south of the border. His efforts to rein back the annual cash allocation for Scotland were supported by Jack Cunningham, the Agriculture Secretary, who also represented a constituency in the north of England and was a long-standing sceptic of devolution.²¹² Dewar eventually won his colleagues round, arguing that failure to maintain Scotland’s spending power would hand a vital weapon to the SNP. It was in the Labour Party’s political interest to continue with the Barnett Formula, even though it arguably gave Scotland a disproportionate share of Government spending.

Other Whitehall ministers were less hostile to the idea of devolution, but were determined to defend their departmental interests. The Department of Trade and Industry, for example, wanted to ensure that Scotland did not gain an advantage over the English regions with regard to inward investment (Taylor, 2002: 99; McLeish, 2004: 60). The Trade Secretary Margaret Beckett suggested that the unspecified Secretary of State should have over-ride powers enabling Westminster to exert its control in cases of conflict. This would have been consistent with the legislation

²¹⁰ Civil Servant A, interview 12 June 2002 (Edinburgh)

²¹¹ Jack Straw, *The World this Weekend*, 13 July 1997

²¹² *The Scotsman*, 9 July 1997

passed by the Callaghan government in the 1970s. Dewar successfully resisted the move, which he feared would be very unpopular in Scotland (Taylor, 2002: 99; McLeish, 2004: 60). In another example of the skirmishing between ministers, ‘friends’ of the Health Secretary Frank Dobson briefed journalists that if the Scottish Health Minister was allowed to take a radically different position from the UK Department of Health it would lead to “political mayhem”. Dobson was known to support regional government for London, but his media briefing reflected a traditional concern on the left that devolution of social policy could imply different standards of social welfare in different parts of the country.²¹³

The seamless transition from the Constitutional Convention to the Scotland Act described by some academics is misleading (see for example Bogdanor 1999). Dewar needed every ounce of his political skill, authority and experience to defend the cross-party proposals that had been agreed in Scotland. Wendy Alexander comments that he expended every ounce of personal good will from other members of the committee: “He did not give way and I have no doubt that when they went back to their departments, when the Margaret Becketts or the Jack Cunninghams or the Jack Straws went back to their department, and said why on earth did you capitulate they said, ‘well I have known Donald for years and he was persuasive and I like him’.”²¹⁴ Alexander raises a significant point here. Donald Dewar had first been elected to Parliament in 1966 and had long-standing relationships with many MPs. As Chief Whip, he had been a senior member of Tony Blair’s front bench team. As Berman points out, the way in which people respond to an argument depends both on the quality of the case and the credibility of the messenger (Berman 2001: 235). The way

²¹³ *The Herald* 8 July 1997

²¹⁴ Wendy Alexander, interview 10 August 2009 (Braehead)

in which Dewar's colleagues regarded him as a credible and persuasive messenger was an important political asset.

Political Resources available to the Secretary of State

Important decisions about the White Paper were taken after a process of pulling and hauling between ministers and their advisers. As I discussed in Chapter One, Smith's theory of power dependence provides a useful tool for analysing decision making. He stresses the way that politicians depend on one another because each has resources the other needs, "the power of the Prime Minister and the cabinet is not fixed but varies according to the resources available, the rules of the game, administrative ability, political support, political strategies, relationships within the core executive and external circumstances" (Smith 1995: 108). The strategy each actor adopts depends on the resources available to him or her. For example, the Prime Minister's powers of patronage, formal control of the Cabinet and the ability to deal bilaterally with ministers are all assets to be traded. But ministers are also capable of marshalling significant resources including their department, specialist knowledge of the brief and, perhaps, independent authority stemming from the support of policy networks and colleagues in the party. This was certainly the case with Donald Dewar. As I have described in previous chapters, the Scottish Secretary had the full weight of the 'Scottish lobby' behind him on this issue, including cross-party support from the Liberal Democrats. He could point to the sustained pressure from civil society throughout the 1980s and 1990s to bring about a strong devolution settlement (McCrone, 2001).

Dewar's resources included a strong relationship with Tony Blair, whom he had served as Chief Whip in opposition. Historically, the bilateral relationship with the Prime Minister had been the key for any Scottish Secretary who wanted to achieve his goals (Kellas 1989). Tony Blair's style of leadership was that key decisions were often taken in bilateral meeting with departmental ministers on the Downing Street sofa (Riddell 2001: 32-33). This extended to devolution. Dewar told the BBC's Political Editor Brian Taylor, "I had a number of very important meetings with the Prime Minister in which we reached agreement on a number of things. There were things where the Prime Minister said: 'that's not negotiable'" (Taylor 1999: 101). Dewar declined to be specific with Taylor about these non-negotiable elements, but according to Wendy Alexander, Blair's bottom lines were proportional representation, a reduction in the number of Scottish MPs to help answer the 'West Lothian question' and that moral issues, such as abortion, should be retained at Westminster to ensure a common UK approach.²¹⁵ She says that although he was sceptical about devolution, within these parameters he gave the process genuine support. Indeed, Tony Blair was aware when he appointed Donald Dewar as Secretary of State for Scotland that he was likely to promote a more radical scheme than his predecessor George Robertson. He was willing to accept this because Dewar's political skills would help to ensure that the legislation was delivered quickly and smoothly.

Dewar's deep knowledge of his brief was also an important political asset. In a lecture on constitutional reform, Robert Hazell argued that a busy parliamentary workload and the pressures of the media were demanding more and more of politicians' time, "It is not surprising in the face of such pressures that most opposition politicians can

²¹⁵ Wendy Alexander, interview 10 August 2009, (Braehead)

focus only on tonight's speech or tomorrow's television interview, and I would hazard that preparing for government took up less than 5% of most opposition front benchers' time."²¹⁶ The White Paper was produced just weeks after the election of the new Labour government at a time when most ministers were still getting to grips with their own departments. But this was not true of Donald Dewar. In DSWR he was going back over arguments that he had repeated endlessly in past years in the Scottish Labour Party and the Constitutional Convention (Taylor 1999: 96). In this context it became politically significant that the commitment to an early referendum made the legislative timetable very tight. In a letter to his opposite number at the Cabinet Office, Robert Gordon described how this limited the opportunity for both ministers and officials to scrutinise the proposals

"I think we more or less reached the conclusion in DSWR(O) that there would simply not be time to fit in plenary sessions to go right through the White Paper texts if they were then going to be recirculated for consideration by ministers. There will not even be time for detailed consideration at DSWR itself given that we have identified slots for only four or five meetings before the White Papers would have to go to CRP if they are to be ready for publication by the middle of July."²¹⁷

DSWR(O) was a shadow committee made up of the officials from each of the departments represented on DSWR itself. As there was not enough time to go right through the full text of the White Paper, they concluded that only points regarded as contentious would be flagged up to ministers. Decisions with far-reaching

²¹⁶ Robert Hazell, "Constitutional reform and the new Labour government", CIPFA/Times Lecture, 14 July 1997

²¹⁷ Letter from Robert Gordon to Kenneth Mackenzie, 11 June 1997, evidence to the Holyrood Inquiry, SE/1/054

consequences were taken with only a very limited opportunity for scrutiny. A longer timetable would have given other departmental ministers and their staff a better chance to get to grips with the issues and marshal their arguments against the Scottish Office scheme.

Key Policy Debates

The debate about the White Paper was framed by concerns about the scheme's impact on the sovereignty of the UK, the political self-interest of the Labour Party and the competing interests of individual Whitehall departments. One of the issues that the committee was unwilling to 'rubber stamp' was the commitment to proportional representation, which had been conceded as the price of the deal with the Liberal Democrats in the Constitutional Convention. Retaining First Past the Post for Scottish Parliament elections was in the Labour Party's political interest because at the time they held 56 of Scotland's 72 constituencies on just over 45 per cent of the vote (Hassan 2001). Wendy Alexander says that, "There was a strong sense in DSWR that if there had to be a Scottish Parliament why not make it a parliament that there was a reasonable chance of Labour control. Why give power away when it is the first time that you have won it for 18 years."²¹⁸ Ron Davies says that in addition to Jack Straw, the Education Secretary David Blunkett and the Deputy Prime Minister John Prescott all opposed electoral reform.²¹⁹ Some committee members also feared that agreeing to PR in Scotland would set an unwelcome precedent for Westminster (Irvine 2005: 129).

²¹⁸ Wendy Alexander, interview 10 August 2009 (Bracehead)

²¹⁹ Letter from Ron Davies to Andrew McFadyen, 6 February 2011

The commitment to proportional representation survived largely because the Prime Minister Tony Blair insisted. The Liberal Democrat leader Paddy Ashdown's diaries are a good source of information on Blair's openness to electoral reform (Ashdown 2000). He believed that Conservatives had been helped to victory in successive elections because the non-Conservative voting majority was divided between Labour and the Liberal Democrats. Blair held a series of meetings with Ashdown, who regarded his intentions seriously enough that he agreed to join a Cabinet Committee. Throwing out proportional representation for Scottish Parliament elections would have badly damaged Blair's personal credibility with Ashdown. Labour had signed-up for PR in the Scottish Constitutional Convention and reiterated its support in the Joint Consultative Committee, which was led by the then Shadow Foreign Secretary Robin Cook and the Liberal Democrat MP Robert Maclennan. Their report was clear and unequivocal: "Both parties are committed to the use of proportional electoral systems for the Scottish Parliament and the Welsh Assembly".²²⁰

The Scottish Parliament's financial powers were also the focus of an intense debate that involved a series of bilateral meetings between the Scottish Office and the Treasury. Dewar had a long-standing and mutually supportive relationship with the Chancellor Gordon Brown. Ron Davies comments that, "Donald Dewar was close to Gordon Brown, as was I at the time. We were the only Cabinet members who would have supported Gordon Brown against Tony Blair in 1995."²²¹ The two men had first got to know each other in 1972 on the Great Upper Clyde shipbuilders' Right to Work march. As the student Rector of Edinburgh University, Gordon Brown had

²²⁰ "The Cook-Maclennan Agreement", *Report of the Joint Consultative Committee*, 1997, Paragraph 55

²²¹ Letter from Ron Davies to Andrew McFadyen, 6 February 2011

edited the *Red Book on Scotland*, which argued that constitutional change could help tackle Scotland's social and economic problems. In 1979, his pro-devolution credentials also led to him being nominated as Chairman of Labour's campaign committee during the referendum (Bochel et al 1981). However, this did not mean that the Chancellor's support could be taken for granted. The Scottish Constitutional Convention had proposed that, "The Scottish parliament will have the power to increase or cut the basic rate of income tax for Scottish taxpayers by a maximum of 3p in the pound."²²² Donald Dewar and his advisers came to the conclusion that this was not satisfactory. The Treasury was proposing to introduce a new 10p tax band that meant the basic rate would be levied on an increasingly narrow section of workers. Applying a 3p increase only to the basic rate, and not the higher rate, was also regressive because those on low incomes would pay a greater proportion of their income than richer people. The Scottish Office team therefore proposed that it would be more sensible to constrain the powers of the Parliament by reference to the overall yield, meaning that MSPs would have power to vary the rate on income tax across all bands.²²³ This option would have given the Scottish Parliament a much more useable power and been a significant improvement on the Convention scheme.

Dewar's argument for going further than the Convention on taxation did not find favour with Gordon Brown, who had spent years convincing people that Labour could be trusted not to raise taxes. As Wendy Alexander describes:

²²² Scottish Constitutional Convention (1995) *Scotland's Parliament, Scotland's Right* (Edinburgh, Convention of Scottish Local Authorities)

²²³ Civil Servant B, interview 12 December 2003 (Glasgow)

“The received wisdom in the Labour Party at the time was that we had lost the ’92 election based on a 50p rate of tax under John Smith. The entire reputation of New Labour was built on ‘read my lips’ and we meant it, unlike George Bush. These were very persuasive political arguments... It was also the Convention scheme. So they could say, ‘George Bush lied and we don’t intend to lie. Labour lost power for 18 years over this. We made a promise at the manifesto. And more than that it is your convention scheme so why on earth would you want to change it for purist economic reasons’.”²²⁴

As I discussed in Chapter Four, the academic consensus is that the Constitutional Convention helped to gather support for a Scottish Parliament (Denver et al 2000: 36; Mitchell 1998). Although academics disagree on the extent to which the Convention’s final report *Scotland’s Parliament, Scotland’s Right* constitutes a blueprint for the Scotland Act, the discussion is normally conducted on the assumption that its proposals pushed the Labour Party towards more radical positions. This thesis argues that this view is mistaken. Dewar’s defeat by the Treasury over tax showed how the Convention scheme had path dependent qualities that both constrained and enabled him in his negotiations with other Whitehall departments. When Dewar wanted to go further than the Convention scheme it became a force for conservatism. It was very difficult for the Scottish Office to win support for more radical measures unless, as was the case with the reserved powers model, there were other benefits for the Government.

George Robertson worked hard to prevent Tony Blair from unpicking the integrity of the Constitutional Convention scheme in opposition. However, in some ways, what

²²⁴ Wendy Alexander, interview 10 August 2009 (Braehead)

we saw in DSWR was Donald Dewar and his advisers trying to win back ground that had been given away in the Convention itself. The Scottish Constitutional Convention scheme, *Towards Scotland's Parliament*, on which Labour fought the 1992 general election was arguably much more ambitious than its final report in 1995. For example, it proposed that “there should be assignation of all Scottish income tax to Scotland’s Parliament and if possible the assignation of all Scottish VAT.”²²⁵ Scottish ministers would also have a statutory right to be represented in UK Ministerial delegations to the Council of Ministers. In the intervening years a deal was struck on proportional representation but the commitments to assigned revenues and the right to representation on UK ministerial delegations disappeared. A handwritten memo from the party’s General Secretary Jack McConnell to Robertson, dated September 17th 1995, also notes that the general power of competence for the Scottish Parliament had been stopped.²²⁶ It is to Dewar’s credit that in government he delivered devolution in a legislative form that reintroduced a power of general competence and won agreement for Scottish ministers to be represented on European delegations to the Council of Ministers. But he failed in his attempt to extend the Scottish Parliament’s financial powers.

Scotland Decides

²²⁵ Scottish Constitutional Convention (1990), *Towards Scotland's Parliament* (Edinburgh: Convention of Scottish Local Authorities)

²²⁶ Jack McConnell, hand written memo to George Robertson, 17 September 1995

Donald Dewar presented the White Paper to the House of Commons on July 24th, 1997. He told MPs that like many others he had campaigned long and hard for a Scottish Parliament over the years:

“Few occasions in my long parliamentary career have given me as much pleasure as coming here today to present our firm proposals for that Scottish Parliament. In my time, I have seen many devolution schemes. I genuinely believe that this is the best, and is right for Scotland. We have renewed, modernised and improved on the plans agreed within the broad coalition of Scottish interests in the Scottish Constitutional Convention. The scheme will provide a new, stable settlement which will serve Scotland and the United Kingdom well in the years to come.”²²⁷

The package he outlined went significantly beyond the devolution proposals that Labour had advanced in the 1970s. Among the areas to be devolved, not included in the Scotland Act (1978), were economic development, financial and other assistance to industry, universities, training, forestry, the police and the prosecution system.

George Galloway reflected the celebratory mood amongst home rule campaigners when he said it was a great day for Scotland, “somewhere beyond the rafters, the whole host of heroes who, throughout this century, have stood and fought for home rule for Scotland—from Keir Hardie, the founder of the Scottish Labour party, through Tom Johnston and all the way to our late, great fallen leader, John Smith—will be cheering my right hon. Friend. He has written his name into the history books by bringing forward this proposal.”²²⁸ Liberal Democrat MP Menzies Campbell, who

²²⁷ Hansard, 24 July 1997, Column 1045

²²⁸ Hansard 24 July 1997, Column 1059

had been a student with Dewar at Glasgow University, also paid tribute to Dewar for his long-standing commitment to devolution: "The right hon. Gentleman allowed himself a moment of sentiment when he told us how long he had campaigned for a Scottish Parliament. I remind him that I first heard him make that case in 1960, and he therefore deserves congratulations for his perseverance". In contrast, the Conservative MP Michael Ancram described the White Paper as "a dangerous, damaging and dishonest document". He added, "It is dangerous because only the most blinkered devolutionist could deny that it contains elements that could lead to the break-up of the United Kingdom, creating the focus for discontent and disillusion, which can only help to fan the flames of nationalism in Scotland."²²⁹ Ancram's family owned thousands of acres in the Scottish Borders, but his authority was undermined by the fact that he represented an English seat. The Conservatives had lost every single one of their Scottish constituencies in the general election.

The White Paper's publication was intended to create a sense of momentum that would energise voters and be inclusive enough to provide a platform for the referendum campaign. While Dewar was negotiating the legislation with other Whitehall departments, he was also holding secret talks with the SNP. Alex Salmond says that he was approached by Dewar within days of the election and they had a series of around six meetings, mainly at the Scottish Office, about what it would require for the SNP to campaign for a Yes, Yes vote. Salmond says that rather than focusing on more powers, or changes to the Government's scheme, he wanted a commitment that there would be no 'glass ceiling' to prevent the Scottish Parliament progressing to independence:

²²⁹ Hansard, 24 July 1997, Column 1048

“My key requirement from Donald, which would have been a deal breaker if he hadn't been able to give it for some reason, was for him to - I'd have preferred in the White Paper, but if not in the White Paper then in a Parliamentary exchange somewhere surrounding the White Paper - was for him to say unambiguously that look, ‘if the people of Scotland want to go further that is a matter for them to determine, there is no limit can be placed on the advance of the process’.”²³⁰

Dewar and Salmond agreed that when the White Paper was published they would have a choreographed exchange in the House of Commons. In response to a question from the SNP leader, Donald Dewar said: “If I did try to build such barriers, they would be futile and without effect. At the end of the day, in practical politics, what matters is what people want. If the hon. Gentleman is able to carry the people of Scotland, no doubt he will be able to advance his cause.”²³¹ This was enough. The SNP officially decided to support the White Paper at its National Council at the City Halls in Perth on August 2nd, 1997 (Taylor 1999: 124).

Alex Salmond claims that the joint campaign was very much a personal project for Dewar, who wanted a broad-based cross-party campaign that was not like 1979, “If a different person had been Secretary of State there would have been no recognition that the SNP had to take a step to campaign in favour of a parliament that was not an independent one.”²³² Dewar's role in securing the SNP's participation in a joint campaign is an important example of agency. Denver et al show in their analysis of the referendum results that, other things being equal, the Yes, Yes vote was greater in

²³⁰ Alex Salmond, interview 19 September 2005 (Edinburgh)

²³¹ Hansard, 24 July 1997, Column 1053

²³² Alex Salmond, interview 19 September 2005 (Edinburgh)

areas where Labour was stronger in the general election *and* where the SNP vote was higher. Furthermore, the evidence suggests that SNP voters recorded the highest rates of turnout (Denver et al 2000: 144-168). This evidence leads McEwen towards the persuasive observation that, “the success of the 1997 referendum campaign must in large part be attributed to the cross-party and co-operative nature of the campaign, as well as the consensus of support for devolution throughout much of Scottish civil society” (McEwen 2002: 59).

Salmond’s view that the other potential candidates as Scottish Secretary would not have reached out to the SNP in the same way has some credibility. Donald Dewar was certainly seen as less tribal than George Robertson and better placed to rebuild cross party allegiances after the row over the decision to hold a referendum (Taylor 1999: 83). Labour’s most senior Scottish official, Jack McConnell, said Dewar was trusted by the electorate and after decades campaigning for home rule he brought credibility to the argument, “He was able to bring people to that campaign that would have been hard for almost any other politician.”²³³ Robertson himself says he does not know what he would have done:

“Who knows? I can’t say what I would have done because I would have been doing a different job. I never held great personal animosities about political opponents. I still don’t. There are some people who have done disservices to me that I don’t forget, but by and large I get on with people. I now have to get on with a variety of political types on the international scene. But what Donald did I think was right in order to maximise the vote, and although I have never thought about whether I would have

²³³ Jack McConnell, interview 2 July 2009

done the same thing. I don't think it's really worth me navel gazing about it. We would have done what we needed to do at the time to get the result."²³⁴

It may be the case that Alex Salmond was itching to support the creation of a Scottish Parliament and simply looking for the Government to give him the right excuse. In some ways, Dewar's concession that the Scottish people had the right to go on and choose independence was little more than a statement of the obvious in a democratic society. However, most commentators would agree that his appointment as Scottish Secretary changed the emphasis of Labour's political stance in a way that made it easier for the two parties to cooperate and appear on joint platforms and this was one of the reasons for the success of the referendum campaign (Taylor 1999; McLean 2001; McEwen 2002). Dewar's role in reaching out to the SNP and running a joint campaign under the umbrella of Scotland Forward shows how the actions of individual actors can have a shaping influence on the political process. There is no other example of such close co-operation between Labour and the SNP, who have traditionally been bitter rivals.

VI. Conclusion

The empirical evidence presented in this chapter makes a contribution to knowledge by identifying a genuine process of negotiation around the White Paper that is underplayed in the current academic literature. As Scottish Secretary Donald Dewar played an important role in ensuring that the Scotland Act largely reflected the

²³⁴ George Robertson, interviewed for BBC Radio Scotland, 7 November 2003

proposals in the Constitutional Convention scheme and in some areas improved on them. His ability to set the agenda and define the parameters of the argument through the negotiating position that he adopted was an important exercise of agency. The adoption of the reserved powers model is probably the best example of where Dewar succeeded in going beyond the cross-party consensus. However, there was nothing inevitable about this. Interviews with those who were involved in the process, and published accounts, indicate that most members of the Cabinet did not regard themselves as bound by agreements that the Scottish Labour Party had made in opposition (Irvine 2005; Sewel 2005). In important areas, such as proportional representation and the funding of the Scottish Parliament, Dewar had to go back and re-win the arguments. His personal credibility as a messenger also made a material difference to the outcome.

Tracing the political processes that led up to the publication of the White Paper in detail also enables us to make some theoretical observations about the way in which change happens. In most historical institutionalist literature, the idea of path dependence refers to political processes that have self-reinforcing dynamics. The decisions made at the beginning of a sequence create enduring patterns and cultural norms that influence the way actors think about politics. (Hall and Taylor 1996; Pierson and Skocpol 2002; Pierson 2004) However, this case study illustrates that although a path dependent process might seem on the surface to be smooth and seamless, individual actors continue to engage in ongoing skirmishes as they pursue their policy objective (Thelen, 1999: 396). The production of the White Paper was marked by conflict and debate. Institutions like the Labour Party and the Scottish

Office are embedded in a structural context that is constantly changing and creates opportunities for resourceful actors. The literature has neglected the ways in which the footprint left by the Scottish Constitutional Convention created an institutional context that sometimes constrained Dewar in his discussions with other ministers.

The process of legislating for a Scottish Parliament also offers an insight into the significance of timing and sequence in explaining institutional change (See Pierson 2004; Stone Sweet et al 2001; Peters 1999). This chapter has shown that the strict timetable imposed by the manifesto commitment to an early referendum amplified Dewar's advantage in discussions with other ministers, particularly his expert knowledge of the brief. Dewar had been immersed in the arguments about devolution for decades, but work began on the White Paper within days of the election at a time when ministers were just getting to grips with their new roles. It was understandable that some of them had other priorities. One civil servant dryly observed that, "If you are a new minister at the DTI or somewhere, the idea that you could lock yourself up and talk about Scotland for two or three hours didn't completely appeal."²³⁵ It took time and effort to be properly briefed.

The specific mandate that the White Paper gained from the Scottish people in the referendum locked-in Dewar's early advantage by giving the proposals democratic legitimacy. Former Scottish Office minister John Sewell argues that by securing agreement early Dewar had, "ensured that Whitehall would be on the back foot if, after more reflection and a greater awareness, there were to be any attempt to regain

²³⁵ Civil Servant A, interview 12 June 2002 (Edinburgh)

lost ground during the later discussions on the details of the Bill” (Sewel 2005: 133). Murray Elder echoes the same point that those who wished to pull power back to the centre during the later stages of the legislation were completely blocked because it had been voted on by the people: “I think some of the then doubts that emerged from some people fairly well known high up in the Government who were not particularly in favour of devolution came with their points rather too late. The White Paper had been finished, published, backed by the Scottish people. It was then too late to have an argument about whether or not the White Paper was right. And I think the speed with which the process was done was actually key to its success.”²³⁶ The referendum also helped to ensure that the Conservative majority in the House of Lords did not force any significant amendments on the Government during eighteen days of debate in the Upper Chamber (Sewel 2005: 136).

²³⁶ Murray Elder, interviewed for BBC Radio Scotland, 21 September 2004

7

ACTORS AND INSTITUTIONS IN THE POLITICS OF DEVOLUTION***1. Introduction***

The creation of the Scottish Parliament was a major change in Britain's constitutional architecture. In his response to the Queen at the opening ceremony Donald Dewar gave one of the great Scottish political speeches (McLean 2000). His words captured the sense of occasion and optimism of all those who had campaigned for devolution, "Today, we look forward to the time when this moment will be seen as a turning point: the day when democracy was renewed in Scotland, when we revitalised our place in this our United Kingdom."²³⁷ A decade on, it is clear that devolution was a turning point. Edinburgh is now the centre of Scotland's political life. The decisions taken by MSPs on issues such as free personal care for the elderly and the abolition of university tuition fees have been markedly different from those in the rest of the UK. This thesis makes a significant contribution to knowledge in that it presents new empirical evidence, which adds to the historical record and helps us to better understand the political processes that led up to the creation of the Scottish Parliament.

The four 'nested' case studies presented in this thesis offer a detailed account of the politics of devolution, tracing the ways in which the interaction of agents and institutions contributed to political change. The thesis highlights the ways in which the shifting dynamics within institutions provide actors with resources to support or

²³⁷ Donald Dewar, Reply to the Queen at the State Opening of the Scottish Parliament, 1 July 1999

resist efforts at reform (Streeck & Thelen 2005; Thelen 2004; Thelen 2003). The evolution of policy towards a Scottish Parliament was characterised by an ongoing process of political renegotiation that is wholly underplayed in the current literature on Scottish devolution. It is clear that the Conservative Government's determination to push through unpopular policies, like the Poll Tax, with only minority support in Scotland created a positive structural context for the success of the home rule movement. However, the new constitutional settlement must also be understood as the outcome of deliberate strategies pursued by actors who operated in distinct institutional settings. One of the themes marbled through this research is that there were other plausible choices that could have been made on issues like Labour's membership of the Scottish Constitutional Convention or the provisions of the devolution scheme laid out in the White Paper.

This concluding Chapter will argue that Donald Dewar exerted a significant influence on policy, setting the agenda at critical points and successfully navigating between different interest groups to construct winning coalitions. He provides an example of actor-led institutionalism that is historically based and shaped by a synergy between ideas, credibility and resources. The thesis builds on scholarship about the importance of ideas in the political process (Blyth 2002; Berman 2001; McNamara 1998; Hall 1993). The devolution debate was in some ways a struggle over the identity of Scottish Labour: was it an integral part of the British Labour movement committed to common standards of social welfare in every part of the UK or was it prepared to strike out on its own to protect the communities on whose votes it depended? I will argue that there is a Nixon-goes-to-China logic about Donald Dewar's role in the resolution of this debate. His status as a cautious, right wing leadership loyalist who

shied away from anything militant gave him the credibility to pursue radical options on the constitution and achieve his goals.

The chapter is divided into three main sections. First, I will set out the empirical contribution of the research. Each of the four case studies that form the middle chapters of this thesis presents a 'snapshot' of a key 'constitutional moment' in the devolution debate. I will describe the ways in which the thesis has presented new evidence that adds to the historical record and challenges the current academic consensus regarding important events, such as the Labour Party's decision to join the Scottish Constitutional Convention. Some themes only become clear when the four individual case studies are analysed together as part of a longer sequence of historical events. In the second section of the chapter I will discuss the theoretical insights that are evident from this research. The thesis demonstrates that researchers must take issues of history, temporality and political sequencing seriously (Pierson 2000; Pierson 2003). It also provides an example of a political process that, despite the appearance of a smooth transition from the Scottish Constitutional Convention to the Scotland Act, was actually the scene of ongoing skirmishing and contestation between different actors and interest groups. The research traces the painstaking, and sometimes painful, process by which Donald Dewar defended the devolution settlement. Towards the end of the chapter I will examine the broader implications of the thesis and the model of actor-led institutionalism that it presents.

II. Empirical Contribution

One of the ways in which this thesis makes a significant contribution to our understanding of the political processes that led to the creation of the Scottish Parliament is that it presents new empirical evidence. Most notably, I was given access to the minutes of the monthly meetings of the Parliamentary Labour Party: Scottish Group and the weekly meetings of the Executive Committee of the Parliamentary Labour Party: Scottish Group, from 1983 to 1997. No other researcher has studied these documents, which are held in the House of Commons, and they offer a unique insight into the Labour Party's internal debate. I also analysed other documents, including newspapers, published accounts and records of parliamentary debates, and conducted a series of 29 semi-structured interviews with individuals who were involved in the political processes under review. Their testimony occasionally conflicted, but the first-hand accounts of political actors were particularly useful in developing a richer understanding of how those involved in the political process interpreted events. As Lilleker points out, "We can learn more about the inner workings of the political process, the machinations between influential actors and how a sequence of events was viewed and responded to within the political machine" (Lilleker 2003: 208). In this section of the chapter, I will discuss how the evidence presented in this thesis challenges some of the current academic assumptions about key episodes in the devolution debate.

This research project also broke new ground in its use of the Freedom of Information Act to gather data. The Freedom of Information Act came into force on 1 January 2005. It is therefore a relatively new potential source of information for researchers. I attempted to use this legislation to gain access to Cabinet papers that would normally be kept under lock and key because of the thirty-year rule. The Cabinet Office rejected

my request to see the minutes of the meetings of the Cabinet Committee on Devolution for Scotland, Wales and the Regions on the grounds that the public interest lay in maintaining the right of ministers to formulate policy in private. The Information Commissioner overturned this decision on appeal, but the then Justice Secretary Jack Straw decided that the issues at stake were so serious that he was not willing to abide by the Commissioner's ruling. Instead, he signed a certificate under Section 53(2) of the Freedom of Information Act, which gives him an effective veto on the disclosure of information.²³⁸ This is only the second time this power has been exercised since the Act came into force. In January 2009, Straw blocked a similar decision to release minutes of the Cabinet meeting that led to the war against Iraq. Despite my failure to get access to the minutes of DSWR, I am convinced that the Freedom of Information Act still offers a route for researchers to access information about the way we are governed. I have described my experience in detail in 'Appendix C'. I hope that other students will be able to learn from it.

The Labour Party's Green Paper on Devolution

The first of the four case studies presented in this thesis focused on the Labour Party's 1984 Green Paper on Devolution. The former Labour and SNP MP Jim Sillars comments that in politics whoever writes the major papers defines the whole atmosphere and parameters of the debate.²³⁹ As I discussed in Chapter Three, the details of the devolution scheme in the Green Paper acted as an important foundation for later debates in the Scottish Constitutional Convention. Indeed, the only significant

²³⁸ Jack Straw MP, Secretary of State for Justice, Exercise of the Executive Override under Section 53 of Freedom of Information Act 2000, In Respect of the Decision of the Information Commissioner dated 23 June 2009 (Ref: FS50100665), Statement of Reasons, 10 December 2009

²³⁹ Jim Sillars, interview 14 May 2009 (Edinburgh)

amendments in the final legislation are the adoption of the 'reserved powers' model, specifying the powers that remain at Westminster rather than those that are devolved, and the move towards a proportional electoral system. However, as other authors have identified, the greater significance of the Green Paper is that it reframed the argument for constitutional change in social democratic terms. It sold devolution to mainstream opinion in the Labour Party by arguing that a Scottish Assembly could protect Scotland from Thatcherism (McEwen 2004).

For most of the post-war period, Labour politicians looked on a strong and centralised UK state as the most effective way of delivering social and economic progress. A Scottish Assembly did not fit within this ideational framework because devolving economic functions would undermine centralised planning and common standards of social welfare were viewed as an essential part of the welfare state (Bogdanor 1999: 169). Many Scottish Labour MPs and activists therefore regarded devolution as a threatening diversion from the real issues and even as a betrayal of working class solidarity. In Chapter Three, the former Labour MP Norman Godman, a Yorkshireman who represented the industrial Clydeside constituency of Greenock & Inverclyde, describes how some members felt that it was a movement akin to the desertion of comrades and colleagues south of the border.²⁴⁰

Willie Ross was the first Scottish Secretary to face the challenges posed by surging support for the SNP. He and most of his MPs detested the idea of a Scottish Assembly (Crossman 1967: 594). It was only under strong pressure from their own leadership in London that they eventually agreed to back plans for constitutional change. (Marr

²⁴⁰ Norman Godman, interview 22 September 2010 (Edinburgh)

1992: 121). Many Labour MPs continued to oppose a Scottish Assembly throughout the 1970s or gave their support only grudgingly. Devolution did not become part of the mainstream thinking of the Scottish Labour Party until people began to think of it as the answer to a different question. During the 1980s and 1990s, almost all left-of-centre political opinion converged behind the idea of a Scottish Parliament because, with the Conservative Government at Westminster intent on rolling back the state, the issue could be reframed as a way of protecting the achievements of the post-war settlement.

New ideas do not become widely accepted on their own, they have to be promoted by individual actors or groups capable of persuading others to reconsider the way they think (Berman 2001: 235). Donald Dewar performed an important role as a messenger for devolution and a bridge between different factions and interest groups in the Parliamentary Labour Party. As I describe in Chapter Three, a minority of MPs clustered around the rambunctious Ayrshire MP George Foulkes wanted to challenge the Conservative Government's lack of a specific Scottish mandate. Dewar was a restraining influence on the clamour for extra-parliamentary action within the Labour Party, but he was also a committed devolutionist with an unblemished record of support for a Scottish Assembly. He used the Green Paper to build a broad consensus that nearly all of them could support. It went beyond the details of a scheme for devolution and promoted a much more coherent political case for constitutional change.

The Labour Party's Participation in the Scottish Constitutional Convention

The second case study focused on the Labour Party's decision to take a leading role in the Scottish Constitutional Convention, which convened meetings from 1989 to 1995 with the purpose of devising a workable plan for a Scottish Parliament (Harvie & Jones 2000: 153). It changed the institutional context of the devolution debate, giving a much more powerful voice to civic Scotland. As I discussed in Chapter Four, the idea for a cross-party body to make the case for self-government was initiated by the Campaign for a Scottish Assembly (McLean 2005; Wright 1997). Although this group included prominent Labour Party activists, such as Jim Boyack and Bob McLean, many MPs regarded it with suspicion. Taking part in a Scottish Constitutional Convention, which was likely to include the SNP, would reverse the party's long-standing opposition to cross-party campaigning and be a major strategic shift (Mitchell 1998: 488). This case study focused on Donald Dewar's role in the political process, which led the Labour Party to do just that.

The academic consensus is that Labour was pushed towards support for the Scottish Constitutional Convention by its defeat in the 1988 Glasgow Govan by-election. David Torrance, for example, claims that, "What eventually pushed the Labour Party into unequivocal support for the Scottish Constitutional Convention, was the bombshell of the Glasgow Govan by-election in November 1988. Won by former Labour MP Jim Sillars with a swing of more than 20 per cent to the SNP in a supposedly safe Labour seat, it was a wake-up call to the main opposition party's prevaricating" (Torrance 2009: 189; see also Denver et al 2000: 33; Lynch 1996). According to this interpretation of events, the Labour Party's decision to take a leading role in the Constitutional Convention was a post-defeat exercise in agenda management. This thesis presents new evidence that demonstrates the academic

consensus is wrong. The minutes of the Scottish Parliamentary Labour Group meeting, on October 20th, 1988, show that show that MPs agreed to back the Convention before the by-election took place.

Although a number of senior MPs, including John Reid, Sam Galbraith and Calum Macdonald, opposed the move, Dewar personally argued for a mandate to enter talks with the Liberal Democrats and the SNP. As I described in Chapter Four, he told colleagues, “All parties need to genuinely seek to find a common campaigning position.”²⁴¹ When the meeting concluded, the Group “overwhelmingly indicated its support” for his position. The following day, on October 21st, 1988, he publicly announced the decision in a speech to students at Stirling University, “The significance of the Constitutional Convention should not be shrugged off by the Government. It is based on the assumption that it is possible to mount pressure even on a hostile administration and there are tactics other than simply working for national victory at the next election.”²⁴² This was three weeks before the by-election and the Labour Party was, perhaps complacently, expecting to win easily. The most recent System Three opinion poll showed Labour’s support was at 47%, while the SNP had sunk to just 19% of the vote.²⁴³

The idea that Labour was pushed into the Scottish Constitutional Convention by Jim Sillars’ strong performance in Glasgow Govan is a cousin of the broader assumption that when the SNP does well the constitutional issue almost automatically rises up the political agenda (see Mitchell 1996: 172-176). In fact, the conversion of almost all

²⁴¹ Scottish Parliamentary Labour Group Minute 172, 20 October 1988

²⁴² Donald Dewar, Williamson Lecture, Stirling University, 21 October 1988

²⁴³ *Glasgow Herald* 1 October 1988

strands of mainstream Scottish opinion to devolution during occurred during a period of SNP weakness. The SNP's opinion poll rating only exceeded 20% on two occasions from the 1979 general election until April 1988.²⁴⁴ Furthermore, SNP membership fell continuously from 28,091 in 1979 to 19,387 in 1983 to 12,115 in 1987 (Lynch, 2002: 163). In some ways, the SNP's decline actually made devolution a more attractive option for Labour politicians who were excluded from power at Westminster because it created a general expectation that they would be running the new legislature. Labour MPs and activists were also more willing to support constitutional change once they lost much of their fear that the SNP could use a Scottish Parliament as a platform to campaign for independence.

iii) The Decision to Hold a Referendum

The third case study focused on the Labour Party's decision to back a two-question referendum before legislating for a Scottish Parliament. The media regarded the clear majority that was eventually won for a Scottish Parliament with tax-raising powers as a 'personal triumph' for Donald Dewar (Ritchie 2000). Popular endorsement has given the new institution greater democratic legitimacy and effectively entrenched devolution in a way that would be very hard for a future UK government to abolish (Denver et al 2000). However, the Labour Party's decision to unilaterally disregard the consensus in the Scottish Constitutional Convention that a general election provided a sufficient mandate for devolution was very controversial. The u-turn was interpreted as an example of the party's weakened attachment to devolution under Tony Blair's leadership (Paterson et al 2001: 13). The Labour Party had a strong self-interest in

²⁴⁴ System Three opinion polls in Hassan & Lynch (2001) p380-2

denying that this was the case and there are diametrically opposing accounts of the circumstances surrounding the shift in policy towards a referendum. This thesis makes a contribution to knowledge by tracing the political process and presenting a detailed reconstruction of what happened.

As I describe in Chapter Five, the ‘official version’ of events given at the time by the Shadow Scottish Secretary, George Robertson, was that the referendum was his idea. He said that a high-powered Shadow Cabinet committee had been established the previous year to consider the party’s policy on devolution. Peter Jones gave this account a degree of academic respectability in an article for *Scottish Affairs* (Jones 1997). Alastair Campbell’s diary confirms that a committee had been formed to look at devolution in November or December 1995. But he says senior Scots in the Shadow Cabinet regarded it with hostility. When news leaked of its first meeting, Gordon Brown and Donald Dewar called for the committee to be shut down (Campbell 2010: 343). There is no record of it meeting again. Tony Blair adds in his own memoirs that the referendum was his personal initiative and that he pushed it through despite heavy misgivings from George Robertson (Blair 2010: 252). Blair’s insistence on a referendum is one of the clearest examples in recent political history of purposive action by an individual actor changing the outcome of the policy process in a significant way.

The research reveals that senior figures in the Scottish Labour Party had been seriously considering whether there should be another referendum for many years. John Smith first proposed a pre-legislative referendum in 1981 to help get a bill through parliament. He said, “by far the best way would be to prepare a White Paper

with a sufficient outline of that scheme – not necessarily all the detail – and hold the referendum on *that*. This would be an advisory referendum, which would give the government solid grounds for pressing ahead” (Ascherson & Nairn 1981: 44). While he was General Secretary, Murray Elder also put forward the idea of a two-question referendum as a way of dealing with the Liberal Democrats demand for proportional representation: “We could say that we had an open mind on proportional representation but that as we were likely to consider having to put the question of a Scottish Parliament to the Scottish people in a referendum, we also intended to put to them in a referendum the question of what system they wished to choose for electing that Parliament.”²⁴⁵ These earlier discussions show that, despite the consensus that later emerged in the Scottish Constitutional Convention, Tony Blair’s demand for a referendum had clear precedents.

Dewar and Robertson were uncomfortable about the row that would be caused by the shift in policy towards a referendum, but they saw its logic. The Shadow Cabinet was concerned about the difficulties of getting a devolution bill through parliament and wanted to kill-off the Conservative Party’s ‘tartan tax’ campaign.²⁴⁶ A referendum offered a way of dealing with both issues by seeking separate endorsements for the Scottish Parliament and the proposal that it should be given the power to vary tax (Brown 1998: 25). Tony Blair did not feel bound by the agreements that his party had made in the Constitutional Convention and he was prepared to use his authority as leader to intervene. The repositioning of devolution under his leadership as just one element of a UK-wide programme of constitutional reform also gave him greater

²⁴⁵ Paragraph 21, The Labour Party: Scottish Council, Report to Home Policy Committee, Scottish Constitutional Convention, Murray Elder, Scottish Secretary, 8 January 1990

²⁴⁶ Jack McConnell interview 2 July 2009 (Edinburgh)

licence to interfere. Neil Kinnock and John Smith had regarded a Scottish Parliament as more of a domestic Scottish issue.

iv) The White Paper, 'Scotland's Parliament'

The fourth case study focused on the negotiations around the Labour Government's White Paper on devolution, *Scotland's Parliament, Scotland's Right*. This is where many of the key policy questions regarding the legislation were finally settled. As I discussed in Chapter Six, most academic accounts of the Scotland Act focus on the details of the proposals, rather than the negotiations that went on in government (See for example Himsworth and Munro 1998; Paterson et al 2000; Bogdanor 1999). The tendency in the literature to assume that the Constitutional Convention scheme moved almost automatically onto the statute book is misplaced. The Justice Secretary Jack Straw's refusal to allow the release of the minutes from DSWR means that it is not possible to write the definitive account of the pulling and hauling that went on within the Government. However, there is enough evidence from published accounts and interviews with those who were involved to suggest that key elements of the Convention scheme - such as proportional representation and tax-varying powers - were heavily contested.

Dewar had to work very hard in tough negotiations with other government ministers to protect the integrity of the Convention scheme.²⁴⁷ The former Lord Chancellor, Derry Irvine, who chaired DSWR, says that there was "constant sniping" from those who lacked enthusiasm for devolution (Irvine, 2005: 128–129). Other ministers were

²⁴⁷ Wendy Alexander, interviewed for BBC Radio Scotland, 20 September 2004

concerned to ensure that devolution did not damage the partisan interest of the Labour Party or trample on the responsibilities of their own departments. One Scottish Office civil servant who was privy to the negotiations described them as “classic turf war”.²⁴⁸ The evidence presented in this thesis indicated that Dewar was a strong and credible negotiator, who made the most of his resources. His reputation as an effective Chief Whip in opposition and his strong relationship with the Prime Minister made him one of the Labour Government’s big hitters. The fact that the post of Scottish Secretary was the culmination of his political career, rather than a stepping-stone to a more senior post elsewhere in the Cabinet, also gave him a high degree of independence. Somebody younger and more career-orientated could be pressured into softening his or her position with threats about their long-term prospects.

One of the themes to emerge from this case study is the significance of timing and sequence to the political process. Donald Dewar had an expert knowledge of his brief. He had been involved in detailed discussions about devolution in the Scottish Constitutional Convention and knew the arguments very closely. In contrast, other departmental ministers who had been in place for a matter of days were being asked to take far-reaching decisions while they were still getting to grips with their own jobs. This advantage was amplified by the strict timetable enforced by Labour’s commitment to a referendum that would “take place not later than the autumn of 1997”.²⁴⁹ Correspondence between officials and the Cabinet Office, published as part of Lord Fraser’s inquiry into the Holyrood building project, reveals that there was not enough time for civil servants to go through the full text of the White Paper either: “I think we more or less reached the conclusion in DSWR(O) that there would simply

²⁴⁸ Civil Servant B, interview 5 December 2003 (Glasgow)

²⁴⁹ Labour Party Manifesto, 1997

not be time to fit in plenary sessions to go right through the White Paper texts if they were then going to be recirculated for consideration by ministers.”²⁵⁰ A longer timetable would have given other Whitehall departments a better chance to scrutinise the legislation and marshal their arguments against the Scottish Office scheme.

Another crucial institutional change from the 1970s, when the Cabinet Office led policy on devolution, was that the lead on the legislation now came from the Scottish Office and Welsh Office respectively. This enabled Dewar and his team to set the parameters of the argument in DSWR. By adopting the reserved powers model from the Government of Ireland Act (1920) he showed that he was willing to go beyond the proposals put forward by the Scottish Constitutional Convention. Specifying the powers that would remain at Westminster, rather than those to be devolved, effectively gave the new Scottish Parliament a power of general competence. Other ministers supported this on the basis that it made the legislation simpler and easier to draft. The significant point here is that those who supported the change did so for very different reasons. Dewar’s efforts to increase the Scottish Parliament’s autonomy over taxation, arguing that it should have the power to vary the rate of income tax across all bands of taxation, were rebuffed because there was no similar advantage for the Treasury. In this case the cross-party consensus behind the limited proposals in the Convention scheme gave additional leverage to his opponents and imposed a ceiling on his ambition. I will discuss the implications of this in more detail in the next section, but it is important to note that the influence of the cross-party consensus behind the Convention proposals could be constraining as well as enabling.

²⁵⁰ Letter from Robert Gordon to Kenneth Mackenzie, 11 June 1997, evidence to the Holyrood Inquiry, SE/1/054

3. Theoretical Contribution

One of the distinctive themes of historical institutionalist research is that it pays serious attention to the way events unfold over time (Pierson 2000; Pierson 2004; Mahoney & Rueschmeyer 2003). The four ‘nested’ case studies presented in this thesis illustrate that both agents and institutions are embedded in a structural context that is constantly changing. Actors engage in ongoing skirmishes as they pursue their objectives and attempt to exploit the opportunities provided by new circumstances. As Kathleen Thelen argues: “When institutions are founded, they are not universally embraced or straightforwardly ‘adapted to’ but rather continue to be the object of ongoing conflict, as actors struggle over the form that these institutions should take and the functions they should perform” (Thelen 2004: 32). Taken together the four case studies provide a rich and detailed narrative of the long haul back from defeat in the 1979 devolution referendum to the achievement of a Scottish Parliament. One of the advantages of evaluating a long sequence of historical development is that it can enable the researcher to make observations that happen gradually and are not visible in a single ‘snap-shot’ focusing on a more narrowly defined case (Rueschmeyer 2003: 311; Hall 2003: 397). In this section I will argue that as a ‘macro-level’ case study, Donald Dewar’s role in the politics of devolution provides an example of actor-led institutionalism in which there was a synergy between ideas, credibility and resources:

- *Ideas*: Ideas matter at every stage of the policymaking process and play an important role in shaping institutional trajectories. Political actors are likely to reject policies and ideas that conflict with their underlying assumptions about what is feasible and desirable. The debate about Scottish devolution was

characterised by tensions and contradictions between different ideational frameworks, which coexisted uneasily in the Labour Party. One of the most significant ways that an actor can exercise agency is by framing an issue in a way that generates widespread support for a preferred solution.

- *Credibility*: An important question for this thesis is how and why individuals, political parties or the institutions of civil society exchange old ideas for new ones. Change is often the result of skilled action, or policy entrepreneurship, on the part of specific actors (Stone Sweet et al 2001: 9). The way in which people respond to a new idea depends to a large degree on the credibility of the messenger. Credibility is also an important variable in enabling an agent to construct coalitions between actors with diverse interests and goals.
- *Resources*: The patterns that institutions produce are not neutral. They reproduce and magnify the distribution of power. As institutions, such as political parties, evolve and change over time certain groups or actors will benefit in terms of increased resources and authority, while others are marginalised (Thelen, 1999: 394). At different stages in the devolution debate the shifting dynamics within institutions provided actors with resources that both constrained and enabled reform.

It is important to clarify that I am using the term 'actor-led institutionalism' in a different way from Fritz Scharpf, who coined the phrase in his book *The Games Real Actors Play* (Scharpf 1997). His work provides a detailed survey of the way that insights from game theory, when coupled with an understanding of how institutional

arrangements structure interactions, can inform our understanding of policy making. Although Scharpf accepts that actors' objectives are influenced by the cultural norms of the institutional framework in which they work, his research is located in the rational choice branch of new institutionalism. It shares a common conceptual framework with economics and sees the preferences of individual actors as being driven by self-interest. In contrast, this thesis is informed by a historical institutionalist rationale, which shares with sociological institutionalism a belief that the way we form preferences is complex rather than given. Explaining political change requires researchers to examine the interplay between political actors, institutions and the social and economic environment. The researcher must try and place action in a situated context.

i) Ideas

There is strong evidence that ideas matter at every stage of the policy-making process. This research builds on McNamara's conceptualisation of ideas as road maps that provide orientation to policy makers (McNamara 1998). People are likely to reject policies and ideas that conflict with their underlying assumptions about what is feasible and desirable. If a problem can be framed in a different way it can change an actors' perception of their own self-interest and generate support for reform (Cox 2001: 464; Hay & Wincott, 1998: 956-7). One of the most difficult issues for political scientists is to understand why some ideas succeed and others fail. In what circumstances do individuals, political parties or the institutions of civil society exchange old ideas for new ones? One significant factor identified in the literature is that successfully deploying ideas in support of policy objectives requires them to 'fit'

with the institutional and cultural features of the polity (Beland 2005; Berman 2001; Cox 2001). In this section I will argue that for much of the twentieth century two competing forces defined the institutional and cultural architecture in which devolution was evaluated. The administrative autonomy of Scotland's separate government machinery encouraged a distinctive policy discourse north of the border. In contrast, this thesis argues that the growth of the Labour movement was a unifying influence that bound Scotland into the rest of the UK.

As I discussed in Chapter One, the existence of distinctive Scottish institutions in civil society was an important structural foundation to the debate about self-government (McCrone 2003; McCrone 2000; Keating 1998). Although Scotland gave up its Parliament in 1707, the governance of daily life was relatively unaffected because the country retained its own institutions, most notably the Church of Scotland, the education system and legal system. An interesting point is that the growth of the state from the late nineteenth century onwards could potentially have eroded this distinctive institutional inheritance and created much greater uniformity across the UK. The 1870 Education Act, which was the first piece of legislation to deal with education in Britain, was initially intended to apply in Scotland as well as England. Instead, the Government responded to Scottish objections by creating a separate Scotch Education Board, in 1872, which took over responsibility for schools from the Church of Scotland (Midwinter et al 1991: 3). This was a historic branching point that created a precedent for separate administrative structures. It was confirmed with the creation of the Scottish Secretary's post in 1885.

As Mitchell points out, the creation of the Scottish Office had very significant implications for the future of public administration in Scotland. As the state gradually expanded in the twentieth century so did the role and responsibilities of the Scottish Office. It grew to cover the functions of several Whitehall departments and have a budget four times the expenditure of the Home Office (Kellas 1989: 31). In many ways the growth of the state actually reinforced the idea of Scottish distinctiveness. The existence of separate government machinery for Scotland helped to create the impression that there was a Scottish political system in every respect except the existence of a democratically accountable Parliament (Mitchell 2003). Administrative devolution also made it much easier for Whitehall to accommodate political devolution. When the Scottish Parliament was eventually created by the Scotland Act 1998 its responsibilities very closely mirrored those of the Scottish Office that it replaced. In this sense Scotland Act 1998 layered a new element onto an otherwise stable institutional framework (Thelen 2003; Thelen 2004)

The establishment of the Scottish Office in the nineteenth century was intended as a symbolic gesture to address nationalistic grievances (Mitchell 2003: 29). However, the institutional and cultural legacy it created 'fitted' well with later arguments about home rule. In contrast, the growth of the Labour movement over the same time period was a parallel development that bound Scotland more closely to the rest of the UK. The emphasis on class rather than national identity encouraged Scots to identify with fellow workers in England and Wales. Furthermore, despite its early advocacy of home rule the Labour Party itself adopted a highly centralised organisational structure. The 1918 constitution establishing regional tiers of organisation throughout the country regarded Scotland as no different from Yorkshire or Tyneside. Although

Scotland had its own regional executive committee, it had no authority over policy and organisational priorities were decided centrally (Laffin et al 2004; Harvie 1989: 68-9). The disaffiliation of the ILP, which had a strong home rule tradition, from the Labour Party in 1932 continued the process of centralisation and accelerated the process by which Scottish Labour became an integral part of the UK party. Most major trade unions also organised on a UK basis.

In Chapter Three I quoted Jim Sillars, who said, “My father was a trade unionist, my grandpa was a trade unionist, I was a trade unionist and it was the British Trade union movement. We had a Scottish TUC, but it was a British trade union movement and the heroes of the British trade union movement were people like Ernie Bevin, Arthur Deakin, Nye Bevan so I was heavily influenced to a British point of view and I remained like that until I went to Parliament.”²⁵¹ His comments illustrate how the culture and organisation of the Labour movement were inimical to the idea of Scottish home rule. After the election of the first majority Labour Government, in 1945, the social citizenship embodied in the welfare state and institutions like the National Health Service also encouraged those on the left to identify emotionally with the British state (McEwen 2002: 69). Building the ‘New Jerusalem’ was seen as a collective British undertaking. There was even an electoral logic to the Union in that Labour did worse in Scotland than in the UK as a whole in the first four elections after the war.

Ideas do not function independently from existing institutional structures. Labour’s commitment to centralised state planning in the post-war years bound Scotland more

²⁵¹ Jim Sillars, interview 14 May 2009 (Edinburgh)

tightly into the Union. The existence of a separate administrative machinery and civil society ensured the continuation of a distinctive policy debate, but there was a path-dependent stalemate. This continued to be contested by campaigners for home rule throughout the postwar years and it came close to breaking down as a result of the SNP's success in the 1970s. However, the dominant culture within Scottish Labour remained firmly centralist until the Thatcher years. New ideas are most likely to succeed when they build on existing social values (Cox 2001: 476). Donald Dewar worked with the culture of the Labour Party by taking well-established principles, such as a commitment to social justice, and packaging them as justification for change. This thesis has demonstrated that the Green Paper was a key turning point in this process.

The case for a Scottish Parliament resonated much more deeply with Labour members and supporters once it was considered as a way of promoting social democratic values and resisting the policies of the Conservative Government at Westminster. However, the 'new' doesn't completely replace the 'old' and there are no guarantees that the shift towards a new idea is permanent. Scottish Labour's commitment to home rule was nested within the broader aspiration of most MPs to form a majority in the House of Commons. The contradictions and tension between these overlapping objectives reflected the divisions between different interest groups and actors within the party. As these groups jostled for power and influence the development of specific proposals for Scottish self-government, and the strategy for achieving them, was marked by ongoing political renegotiation and contestation.

ii) Credibility

The Conservative Party's political hegemony at a UK level was a challenge to Scottish Labour politicians, but no external crisis can fully explain why a new idea wins widespread acceptance. The way in which people respond to a new idea depends both on the ease with which it can be accommodated within existing social values and on the credibility of the messenger. Before they win widespread acceptance, new ideas need to be championed by individuals or groups who are capable of persuading others to reconsider their views (Berman 2001: 235). The case of Scottish devolution is consistent with the prediction of historical institutionalism that actors who want to translate ideas into policy require a strong platform from which to make their voice heard (Hansen & King 2001: 258). As Shadow Scottish Secretary, and then in the job itself, Donald Dewar had acquired such a platform. He was in a position to promote devolution both to the wider public and inside the Labour Party. He was also able to channel ideas, backed by expert opinion or civic Scotland, into the policy process. This thesis argues that Dewar's credibility as an advocate for devolution was a significant factor in building support for constitutional change and in deciding the outcome of the policy debate at key moments.

In historical institutionalist literature, there is nothing inevitable about either institutional stability or the emergence of a new consensus around a particular proposal for reform. Multiple interests are in play each time there are important changes and successful policy entrepreneurs must navigate between them in order to fashion temporary coalitions (Schickler 2001). This research highlights the elements of Donald Dewar's character and political skills that enabled him to act as a bridge between different factions and interest groups. Dewar joined the frontbench in 1980

as a spokesman on Scottish affairs and became Shadow Scottish Secretary in November 1983. His consistently high showing in shadow cabinet elections indicates that he was highly regarded by his colleagues in the Parliamentary Labour Party, including those from England. Tony Blair's decision to make Dewar Chief Whip in 1996 confirmed his status as one of Labour's 'big hitters'. He shared with Gordon Brown and Robin Cook an ambiguous status as part of the party's leadership elite at a UK level and as members of a powerful regional block, which was seen as the carriers of the broad Scottish consensus on home rule.

The credibility of the messenger becomes particularly important when there is a disconnect between individual and collective ideas (Legro 2000: 420). Minutes of Scottish Parliamentary Labour Group meetings show that MPs regularly expressed doubts about aspects of the party's policy on devolution in private, while maintaining the group line in public. For example, as I discussed in Chapter Four, John Reid, Calum Macdonald and Sam Galbraith all opposed Labour's membership of the Scottish Constitutional Convention. Individuals may be willing to accept a collective position that they disagree with because they are unwilling to pay the political costs associated with deviating from the group line. However, the credibility of those who are associated with the policy is an important factor in ensuring that the group position is maintained. Donald Dewar's status within the party combined with his strategic caution and conservatism on most issues camouflaged his radicalism on the constitution and enabled him to retain the trust of colleagues.

In Chapter Six, I quoted Wendy Alexander who claimed that Donald Dewar's credibility with his colleagues was a key factor in the way that they responded to him

during the negotiations on the White Paper: “He did not give way and I have no doubt that when they went back to their departments, when the Margaret Becketts or the Jack Cunninghams or the Jack Straws went back to their departments, and said why on earth did you capitulate they said, ‘well I have known Donald for years and he was persuasive and I like him’.”²⁵² Jack McConnell also said that after decades of campaigning for home rule he brought enough credibility to the argument to reach out to the SNP and reach agreement on a joint referendum campaign. In this way, the thesis demonstrates that agency can be a significant factor in the way that different institutional hierarchies intersect and whether this supports or hinders institutional innovation.

iii) Resources

Important decisions about policy towards a Scottish Parliament were taken after a process of pulling and hauling between different actors and interest groups in the Labour Party, and other institutions such as the Scottish Constitutional Convention, who competed for position and influence. As I discussed in Chapter One, Smith’s theory of power dependence stresses the fact that the resources available to political actors are not fixed. They vary over time according to a variety of factors including the level of political support, administrative ability, relationships within the core executive, the views of civic institutions and external circumstances (Smith 1995: 108). One of the key themes emerging from this research is that in order to understand the outcome of the policy debate it is necessary to understand the institutional context in which decisions were made. The literature has paid insufficient attention to the

²⁵² Wendy Alexander, interview 10 August 2009 (Bracehead)

ways in which Scottish Labour's strong performance during the 1980s and 1990s, coupled with the party's weakness at a UK level, altered the internal balance of power between the leadership at the centre and regional elites.

The Secretary of State for Scotland has traditionally been regarded as a relatively junior job in the Cabinet, but the ability to draw on support from the networks of civil society gave him or her a degree of independent authority. Since the UK cabinet had little time to discuss Scottish affairs, the Scottish Secretary could also engage in a policy process that was 'hidden from view' (Kellas 1989: 29). Willie Ross used his position in Harold Wilson's administration to bring industry and jobs to Scotland. However, as I discussed in Chapter Three, he was the only Scottish MP in the Cabinet for much of his period in office and therefore a relatively isolated figure. In contrast, Scottish MPs formed the backbone of the Shadow Cabinet during the 1980s and 1990s. Donald Dewar could enlist the support of powerful allies including John Smith, Robin Cook and Gordon Brown. The emergence of this new generation of Scottish MPs into positions of leadership was an important factor in shaping the institutional trajectory of the party. Neil Kinnock and Tony Blair were personally sceptical about the case for a Scottish Parliament, but it was difficult for them to ignore the consensus view of such a strong coalition of frontbenchers.

Other authors have noted that since the 1983 general election power in the Labour Party has steadily flowed towards the centre (Shaw 2000). This thesis has demonstrated that it was an uneven process. Neil Kinnock's leadership was defined by his battle to assert control over the National Executive Committee, reform policies that he regarded as vote losers and reduce the influence of the hard-left. Eric Shaw

comments that, “it took unremitting effort, pertinacity, shrewd coalition-building, threats, guile and persuasion – plus another shattering defeat in 1987 – before Kinnock realised his goal” (Shaw 2000: 5). Kinnock was ultimately successful in asserting greater control over the policy and organisation of the Labour Party, but the focus that this required temporarily increased the autonomy that Donald Dewar enjoyed over his brief as Shadow Scottish Secretary. As an ally in the Cabinet against the left, Dewar’s support was also a useful political asset for Kinnock to retain. The Scottish Constitutional Convention was an important institutional legacy of this period of relative openness. However, institutional dynamics change over time. Tony Blair inherited a much stronger position when he became leader and was unwilling to allow George Robertson the same autonomy over policy towards a Scottish Parliament.

As I described in Chapter Five, Tony Blair’s popularity with the media, commanding lead in the opinion polls and the expectation that he would soon become the next Prime Minister gave him immense authority within the Labour Party. After four successive election defeats, party activists also had a much weaker appetite for challenging the leadership. The success of the modernising New Labour project squeezed the space for a distinctively Scottish political discourse. In this new context, devolution was redefined as just one element of a broader programme of constitutional change that was about reforming the whole of the UK. Although Scottish MPs, including the Shadow Chancellor Gordon Brown, were very well represented in the Shadow Cabinet, they did not have the resources to resist Blair’s demand for changes. The shift in policy towards a two-question referendum should be understood both as an example of purposive action by Tony Blair and as an

illustration of the way in which the UK leadership was now capable of asserting control over a regional elite.

This research shows that intersecting institutional pieces and multiple processes do not always fit together in a tidy or coherent way (Thelen 1999: 372-81). Tony Blair's leadership of the Labour Party accelerated the process of centralisation that had begun under Neil Kinnock. Donald Dewar's appointment as Chief Whip made him part of Blair's inner circle, but he was also a member of the losing coalition on the referendum. This thesis demonstrates the ways in which institutions reinforce power disparities, but it also shows how those who are disadvantaged may continue to work within the institutional framework for their own goals (Thelen 1999: 386-396). The negotiations over the White Paper are an example of how the 'losers' from previous rounds of reform can come back as part of an ongoing process of resistance, renegotiation and institutional innovation. In Government, Tony Blair was concerned that devolution should be legislated for with a minimum of fuss and Dewar gained a sufficiently strong platform to channel his ideas back into the policy process.

As I describe in Chapter Six, Dewar had a detailed knowledge of his brief that was not shared by other new ministers who were still getting to grips with their own departments. It is wrong to portray expertise in a neutral technocratic way. New institutionalist literature highlights the fact that expertise is also a political resource, which particularly matters during the agenda setting stage of the policy making process when actors' views have not yet crystallised and they can be persuaded by argument (Beland 2005: 185). The tight timetable enforced by Blair's commitment to an early referendum added to Dewar's advantage because it meant that these stages

were truncated. A White Paper is usually a prelude to legislation, and can be subject to significant change, but in the case of devolution it represented both an agenda setting and enactment stage in the political process. It was not fully appreciated when the negotiations were taking place that once the scheme in the White Paper won public backing in the referendum the early decisions would be effectively locked-in.

VI. Towards a Model of Actor-led Institutionalism

This thesis demonstrates that Donald Dewar's role in the politics of devolution provides an example of actor-led institutionalism that is historically based and shaped by a synergy between ideas, credibility and resources. The four case studies highlight the ways in which the evolution of policy towards a Scottish Parliament was subject to an ongoing process of contestation and renegotiation. The detailed narrative in each of these chapters underlines the painful process by which Dewar held on to or reconstructed what became the settlement. How did the Labour Party think about devolution? Was the Scottish Constitutional Convention an opportunity to be grasped or a threat to be resisted? How did actors continue to work for a Scottish Parliament as Tony Blair centralised power and resources in the Labour Party? Would the Scottish Secretary seek to improve on the proposals in the Scottish Constitutional Convention scheme or simply defend them? Understanding the dynamic relationship between actors and the institutional settings in which they operate helps us to grasp the answers to these questions.

The objective of the research has been to obtain information about well-defined and specific events and processes. As I describe in Chapter Two, there is a trade-off

between the goals of generalisation and the ‘thick’ descriptions necessary to make fine-grained judgments about issues of context temporality and sequencing. As Pierson describes, it is necessary to produce a highly contextualized account to do justice to the multiple lines of causation that intersect during moments of change. What is often described as context can be crucial to understanding how political processes develop (Pierson 2004: 169). The specific nature of the case means that my conclusions may be of limited value in other settings, but the insights into the contested nature of institutional reform and the ongoing process of political skirmishing between different actors and interest groups involved in institutional innovation do provide a tool for understanding political change.

Limitations on time and resources have necessarily narrowed the scope of this thesis. I believe that further investigation into the role of other significant actors, particularly Gordon Brown, would be worthwhile. Brown was a genuine power broker in the Labour Party and an important ally for Donald Dewar, but the stance he took on key issues such as the Scottish Parliament’s tax-raising powers and proportional representation is very ambiguous. The tensions between the objective of securing a strong devolution settlement, protecting the partisan interests of the Labour Party and doing what is best for the UK as a whole can coexist uneasily in the mind of a single individual. In an institution containing diverse interest groups, each with their own perspective and goals, they are greatly amplified. The impression in the literature is that the achievement of devolution was a smooth and seamless process. It wholly underplays the very real uncertainty in the evolution of policy and the tensions and contradictions that were bubbling below the surface.

The empirical work of this thesis will be of interest to researchers in the field of territorial politics and party politics. The evidence I have presented adds to the historical record and provides an important critique of some of the central assumptions in the current academic literature on Scottish devolution. For example, the thesis lays out a clear documentary trail showing that the Scottish Parliamentary Labour Group made the crucial decision to become involved in the Scottish Constitutional Convention weeks before the Glasgow Govan by-election. The thesis also argues that the weakness of the SNP created space for Donald Dewar to reposition devolution as a social democratic cause. The general expectation that Labour would be the majority party in a devolved Scotland aided the transition towards a new ideational framework by reducing the fear that the SNP could use it as a platform to campaign for independence.

One of the threads running through the research is that Donald Dewar's ability to mobilise resources in support of his goals depended on the relative strength and autonomy of the Scottish Labour Party. The thesis argues that the Labour Party's institutional trajectory at both a Scottish and UK level was shaped by the emergence of a new generation of Scottish MPs into positions of power and influence in the 1980s and 1990s. These included John Smith, Robin Cook and Gordon Brown. Their shared support for devolution meant that on this issue they were a powerful coalition. However, the ability of the Shadow Scottish Secretary to mobilise support was also contingent on the authority and attitude of the leader. During Tony Blair's leadership of the Labour Party the concentration of power at the centre accelerated and the space for a distinctly Scottish political discourse was squeezed. The best example of this is

the shift in policy towards a referendum despite initial opposition from all the senior Scots in the Shadow Cabinet.

The thesis also describes how the growing dominance of the UK dimension to politics was mirrored by a watering-down of the Scottish Constitutional Convention scheme, between 1992 and 1995. The literature overlooks this, concentrating instead on the agreement that was reached between Labour and the Liberal Democrats on proportional representation. However, the Convention's first report *Towards Scotland's Parliament* had proposed that all Scottish income tax and, if possible, all Scottish VAT should be assigned to the Scottish Parliament. In the intervening years the commitment to assigned revenues was dropped, along with other proposals for the new legislature to have the right to representation on UK ministerial delegations and a general power of competence. As Scottish Secretary, Donald Dewar gained a platform to win back some of this lost ground and recapture some of the radicalism of the earlier scheme.

The cautious Glasgow lawyer does not fit the stereotype of a Clydeside radical. His commitment to home rule was rooted in his knowledge of Scottish history. The type of agency identified in this thesis is careful and canny and intelligent. Dewar's ability to construct winning coalitions depended on argument and evidence, but he also carried enough credibility to retain trust and silence doubters. This extended beyond the Labour Party. During the 1979 referendum campaign he campaigned with the cross-party Alliance for an Assembly. He guided Labour into the Scottish Constitutional Convention and in 1997 he reached out to the SNP to organise a joint 'Yes, Yes' campaign. He might have cringed when journalists described him as the

‘Father of the Nation’, but Donald Dewar can plausibly be described as the ‘Father of the Scottish Parliament’.

Appendix A – Interview Schedule

Interviews

1. Alexander, Wendy
2. Chisholm, Malcolm
3. Civil Servant A
4. Civil Servant B
5. Currie, Brian
6. Elder, Murray
7. Foulkes, George
8. Galbraith, Sam
9. Godman, Norman
10. McConnell, Jack
11. Robertson, Esther
12. Salmond, Alex
13. Sillars, Jim

Correspondence by Letter or E-Mail

14. Ron Davies
15. Jim Ross

Interviews Conducted for BBC Radio Scotland documentary, *Donald Dewar:*

***Father of the Nation?* (Broadcast Saturday 9 October 2004)**

16. Alexander, Wendy
17. Allison, Jimmy
18. Canavan, Dennis
19. Craig, Carol
20. Elder, Murray
21. Ewing, Harry
22. Galbraith, Sam
23. Lang, Iain
24. MacDonald, Margo
25. McLetchie, David
26. McMahon, Peter
27. Mitchell, James
28. Robertson, George
29. Russell, Muir
30. Salmond, Alex
31. Wallace, Jim

Appendix B

Membership of the Cabinet Sub-Committee on Devolution, Scotland, Wales and the Regions was as follows:

1. Lord Chancellor (Lord Irvine of Lairg QC)
2. Deputy Prime Minister (John Prescott MP)
3. Sec of State Foreign & Commonwealth Affairs (Robin Cook MP)
4. Sec of State Home Department (Jack Straw MP)
5. Sec of State Education and Employment (David Blunkett MP)
6. President of Board of Trade (Margaret Beckett MP)
7. Minister of Agriculture, Fisheries & Food (Dr John Cunningham MP)
8. Sec of State Scotland (Donald Dewar MP)
9. Sec of State Health (Frank Dobson MP)
10. President of the Council (Ann Taylor MP)
11. Sec of State National Heritage (Chris Smith MP)
12. Sec of State Northern Ireland (Marjorie Mowlam MP)
13. Sec of State Wales (Ron Davies MP)
14. Lord Privy Seal (Lord Richard QC)
15. Chief Secretary, Treasury (Alistair Darling MP)
16. Parliamentary Secretary, Treasury (Nicholas Brown MP)
17. Captain of the Gentleman at Arms (Lord Carter)
18. Attorney General (John Morris QC, MP)
19. Lord Advocate (Lord Hardie QC)

Appendix C – The Freedom of Information Act

The Freedom of Information Act came into force on 1 January 2005. Its impact on British politics has been profound. Revelations about MPs expenses released as a result of the Act have generated tens of thousands of column inches. The worst offenders have been subjected to police investigations. Freedom of Information campaigners have welcomed greater transparency, but Tony Blair makes it clear in his memoirs that he regards the legislation as an appalling mistake, “Freedom of Information. Three harmless words. I look at those words as I write them, and feel like shaking my head till it drops off my shoulders. You idiot. You naïve, foolish, irresponsible nincompoop. There is really no description of stupidity, no matter how vivid, that is adequate. I quake at the imbecility of it all” (Blair 2010: 516). His principle objection is that the Freedom of Information Act compromises the confidentiality of discussions between ministers and therefore inhibits free and frank discussion over policy. This appendix describes my attempt to use the legislation to gain access to the minutes of Cabinet discussions about the Scotland Act. I believe it is worth describing my experience in detail because the Freedom of Information Act is a relatively new source of data for researchers and none of the academic texts I have read on research methodology contain chapters on it.

In Chapter Six I described the significance of the Cabinet Sub-Committee on Devolution, Scotland, Wales and the Regions (DSWR) as a forum for debate about the Government’s devolution proposals. I believed that the minutes of the committee could provide an important insight into the policy-making process. On 3 October 2005, I therefore emailed a request to the Cabinet Office under the Freedom of

Information Act seeking, “all minutes of the Cabinet Sub-Committee on Devolution, Scotland, Wales and the Regions” together with, “any briefing papers, supporting documentation or other materials” relevant to the preparation of the White Paper, *Scotland’s Parliament*, published in July 1997.²⁵³ Three days later I received a response stating that the minutes of DSWR fell within the exemptions provided by the Act relating to the formulation of policy and communications between ministers. The Cabinet Office claimed that the public interest in maintaining those exemptions outweighed the public interest in the disclosure of the information:

“It is important that Ministers retain the ability to debate issues relating policy formulation freely and in confidence, while reaching a decision. If Ministers knew or thought that once a decision was reached, their communications in arriving at that point were to be disclosed, they might be less candid in expressing their views at the time. This would detract from the full and frank exchange of views that is necessary during policy formulation. Release of the minutes would also detract from the convention of Ministerial collective responsibility for Government policy. Ultimate responsibility for Government decisions lies with the Cabinet and collective responsibility seeks to ensure that decisions do not become personalised or that views can be attributed to individuals.”²⁵⁴

The Cabinet Office also refused an additional request for briefing papers and supporting documentation on grounds of cost. Under the Freedom of Information Act, public authorities can refuse requests for information where the cost of dealing with them would exceed the appropriate limit. At the time, this was set at £600 for

²⁵³ Email from Andrew McFadyen to the Cabinet Office 3 October 2005

²⁵⁴ Letter from Bill Brooke, Cabinet Office, to Andrew McFadyen 6 October 2005

central Government. This is an important issue that researchers who wish to use the Act must be aware of.

The Freedom of Information Act allows an applicant to request an internal review if they believe the respondent has not properly complied with the legislation. I asked the Cabinet Office to conduct an internal review of their refusal to release the minutes of DSWR. I argued that there was a strong public interest in disclosing the information because, “The decisions ministers make have a significant impact on the lives of citizens and there is a strong public interest in their deliberations being transparent. This is particularly true when one considers that ministers represented on DSWR were debating historic changes to the British constitution.”²⁵⁵ I added that the information did not relate to issues of current controversy and many of the ministers who were involved in the discussions had subsequently left the Government. I also refined the second part of the request to the briefing papers and supporting documents prepared for the first meeting of DSWR. This was to bring down the cost of meeting my request to within the acceptable financial limit.

On 7 November 2005, the Managing Director of the Cabinet Office wrote to me stating that he had carefully reviewed the handling of my request for the minutes of DSWR, but upheld the original decision that disclosure was against the public interest. My request for briefing papers was refused on the same grounds that the information related to the formulation of Government policy. The next step for an applicant whose request has been refused is to appeal to the Information Commissioner, who will determine whether the law has been fairly applied. On 4

²⁵⁵ Email from Andrew McFadyen to the Cabinet Office, 6 October 2005

January 2006 I submitted a formal complaint to the Commissioner concerning the Cabinet Office's decision. My letter emphasised the time that had passed since the committee met, the public interest in openness and transparency and the fact that the former Scottish Office minister Henry McLeish had already published a personal account of the Committee's deliberations: "I still believe that the Cabinet Office's decision is contrary to the public interest. The documents I have requested are nearly a decade old. Most of the principal actors have now left the Government. Furthermore, some of the participants have themselves given partial accounts of their deliberations on DSWR. There is no reasonable justification for making us wait another twenty years to see the documents."²⁵⁶

The Information Commissioner took over three years to consider the case and reach a decision, but eventually ruled in my favour. A decision notice dated 23 June 2009 stated that the Commissioner, "rejects the blanket approach taken by the Cabinet Office which is that disclosure of the minutes, regardless of content is not in the public interest as it would undermine the convention of collective responsibility." He added that, "In this case, the issues discussed and recorded in the minutes continue to be of significant public interest, but the sensitivity of the specific content has reduced with the passage of time. The Commissioner finds that, on balance, the public interest in maintaining the exemption does not outweigh the public interest in disclosure of the information."²⁵⁷ He therefore ordered that all the minutes of DSWR should be disclosed. However, this was not the end of the process.

²⁵⁶ Letter from Andrew McFadyen to the Information Commissioner, 4 January 2006

²⁵⁷ Information Commissioner, Decision Notice, Date 23 June 2009, Paragraphs 33 and 34

The Cabinet Office immediately appealed the Commissioner's Decision Notice to the Information Tribunal. They continued to assert that the public interest lay in Ministers being able to debate issues freely in private in order to come to a stronger conclusion. The Cabinet Office also introduced a new argument for keeping the information secret:

"In addition, the disputed information is also exempt information within the scope of section 28 FOIA. It is sensitive information held by the United Kingdom government on matters which concern the Scottish Administration and the Welsh Assembly Government, the disclosure of which would, or would be likely to, prejudice relations between those devolved administrations and the United Kingdom government."²⁵⁸

On 11 August 2009 the Commissioner responded to the appeal defending the overall findings of his Decision that the information should be disclosed. I joined the proceedings as an additional party on 22 October 2009. This meant that I received copies of the documents relating to the case, including exchanges between the Cabinet Office and the Information Commissioner.

The Tribunal was scheduled to meet in London in January 2010, but the Cabinet Office withdrew its appeal before the hearing took place. Instead, the Secretary of State for Justice Jack Straw disregarded the role of the Tribunal and pre-empted its decision by issuing a ministerial certificate under Section 53(2) of the Freedom of Information Act. He had used his powers to veto the publication of the minutes. In a Statement of Reasons issued to Parliament on 10 December 2009 he said:

²⁵⁸ Cabinet Office, Grounds of Appeal, 23 June 2009, Case No EA/2009/0059 paragraph 8

“I recognise that there is a public interest in disclosure of information which would improve the public’s understanding of the Committee’s work, promote further debate on devolution issues, and enable the public both to scrutinise historic, and contribute to ongoing, policy discussions in this area. These considerations are particularly important where, as here, the matters under discussion by the Committee were of constitutional significance.”

However, the statement went on to say that there was already a considerable amount of material in the public domain including all of the parliamentary debates on the Referendums Bill and the Scotland Bill, which are published in Hansard. The Secretary of State for Justice added:

“...the public interest in public engagement with decision making does not mean it is necessarily appropriate at every stage of the decision-making process. Robust debate and candid discussion are central to the Cabinet process and our system of government. They promote effective decision-making, help to reconcile differing Ministerial views and produce better policy. For this to be achieved, the preservation of frankness and candour in the collective deliberation of policy is of paramount importance and necessarily depends on a high level of confidentiality attaching to such deliberation. A lack of confidentiality would result in watered-down discussion and as a result decision-making would be impaired – an outcome which is not in the public interest.”²⁵⁹

It was only the second time that the Government had exercised its power of veto to overturn a decision by the Information Commissioner – the first related to the minutes

²⁵⁹ Exercise of the Executive Override under Section 53 of the Freedom of Information Act 2000, In Respect of the Decision of the Information Commissioner Dated 23 June 2009 (Ref: FS50100665), Statement of Reasons

of the Cabinet meeting that led to the Iraq war. Christopher Graham, the Information Commissioner, issued a press release saying he was “concerned” that ministers would now try to routinely block the publication of Cabinet minutes:

“This is the first time the commissioner has ordered the disclosure of Cabinet minutes since the ministerial veto was first exercised in February this year. In other cases, the commissioner has agreed with the Cabinet Office’s decision to withhold Cabinet minutes. The commissioner is concerned that the Government may routinely use the veto whenever he orders the disclosure of the minutes of Cabinet proceedings, irrespective of the subject matter or age of the information.”²⁶⁰

The Justice Secretary’s decision and the public criticism it attracted from the Information Commissioner were widely reported in the media. Newspapers have a selfish interest in pushing the limits of the Freedom of Information Act and the tone of the coverage was critical of the Government. The *Daily Telegraph*, for example, accused Jack Straw of being involved in a “shameful Cabinet cover-up”.²⁶¹

Although I was not ultimately successful in securing the release of the minutes, this research project has made a contribution to the discipline by testing the limits of the Freedom of Information Act. The legislation does provide a potential avenue for researchers who are interested in accessing information that could provide an important insight into the policy-making process. However, the length of time involved in appealing a decision by ministers to keep information secret means that it might not be a practical option for all researchers. In my case it took over five years from the point of the original request to the final refusal to disclose the information

²⁶⁰ *The Times*, 11 December 2009

²⁶¹ *Daily Telegraph*, 12 December 2009

resulting from Jack Straw's veto. I do not accept that a truthful record of what has been said can cause unjustified damage to the reputation of a minister after a sufficient period of time has elapsed. There is certainly no evidence that the knowledge that Cabinet minutes will be published in 30 years inhibits discussion. Would a minister be prevented from giving free and frank advice if he or she knew that their views could be published within, say, five years? I hope that the research community will continue to challenge decisions and make the case for more transparent government in order that there may be greater understanding of how policy is developed and the decisions of those who hold power over us.

BIBLIOGRAPHY

- Abbott, A.**, (1991) "History and Sociology: The Lost Synthesis", *Social Science History*, Vol. 15, No. 2 (Summer, 1991), pp. 201-238
- Alexander, W.**, (ed) (2005) *Donald Dewar: Scotland's first First Minister* (Edinburgh: Mainstream Publishing)
- Allison, G.** (1971) *Essence of Decision: Explaining the Cuban Missile Crisis* (Boston: Little Brown)
- Allison, J** (1995) *Guilty by Suspicion* (Glendaruel, Argyll Publishing)
- Aitken, K.**, (1997) *The Bairns O'Adam: The Story of the STUC* (Edinburgh: Polygon)
- Archer, M.**, (1982) "Morphogenesis versus Structuration: On Combining Structure and Action", *The British Journal of Sociology*, Vol. 33, No. 4 (Dec., 1982), pp. 455-483
- Ascherson, N.**, and **Nairn, T.**, (1981) "Interview: Portrait of a Devolutionist", Issue 2, Spring 1981, pp 44-54
- Ashdown, P.** (2000) *The Ashdown Diaries: Volume One 1988-97* (London: Penguin)
- Ashdown, P.** (2001) *The Ashdown Diaries: Volume Two 1997-99* (London: Penguin)
- Bagguley, P.**, (2003) "Reflexivity Contra Structuration", *Canadian Journal of Sociology*, Vol. 28, No. 2 (Spring, 2003), pp. 133-152
- Baur, C** (1983) "The Election Conundrum" in **McCrone, D** (ed.) *The Scottish Government Yearbook 1984* (University of Edinburgh)
- Bechhofer F.**, and **Paterson, L.** (2000) *Principles of Research Design in the Social Sciences* (London: Routledge)
- Beland, D.**, (2005) "Review: Politics of Ideas" in *The Review of Politics*, Vol 67, No.1 (Winter, 2005) pp183-185
- Bell, S.**, and **Shaw, E.**, (eds), (1995) *Conflict and Cohesion in Western European Social Democratic Parties* (New York: St Martin's Press)
- Berman, S.**, (2001) "Review: Ideas, Norms, and Culture in Political Analysis" in *Comparative Politics*, Vol. 33, No. 2. (Jan., 2001), pp. 231-250
- Blair, T.**, (2010) *A Journey* (London: Random House)
- Blaikie, N.** (2000) *Designing Social Research* (Cambridge: Polity Press)
- Bleich, E.**, (2002) "Integrating Ideas into Policy-Making Analysis: Frames and Race Policies in Britain and France" in *Comparative Political Studies* 2002; 35; pp1054-1076
- Blyth, M.**, (1997) "'Any more bright ideas?' The ideational turn of Comparative Political Economy", *Comparative Politics*, 29, 2
- Blyth, M.**, (2002) *Great Transformations: Economic Ideas and Institutional Change in the Twentieth Century* (Cambridge: Cambridge University Press)
- Bochel, J, Denver, D.** and **Macartney, A.** (1981) *The Referendum Experience: Scotland 1979* (Aberdeen: Aberdeen University Press)
- Bochel, J.**, and **Denver, D.**, (1984) "The 1983 General Election in Scotland" in **McCrone, D.**, and **Brown, A.**, (ed.) *The Scottish Government Yearbook 1984* (University of Edinburgh)
- Bochel, J.**, and **Denver, D.**, (1988) "The 1987 General Election in Scotland" in **McCrone, D.**, and **Brown, A.**, (ed.) *The Scottish Government Yearbook 1988* (University of Edinburgh)
- Bogdanor, V.** (1999) *Devolution in the United Kingdom* (Oxford: Oxford University Press)

- Bogdanor, V.** (2001) "Constitutional Reform" in **Seldon, A. (ed)** (2001) *The Blair Effect: The Blair Government 1997-2001* (London: Little, Brown & Co.)
- Brand, J.,** (1977) *The National Movement in Scotland* (London: Routledge)
- Breuilly, J.** (1982) *Nationalism and the State* (Manchester: Manchester University Press)
- Brietenbach, B., and Mackay, F.,** (eds) *Women and Contemporary Scottish Politics* (Edinburgh: Polygon)
- Brown, A.** (1999) "Taking their Place in the New House: Women and the Scottish Parliament" in *Scottish Affairs* (No. 28, Summer) pp44-50
- Brown, A.** (2000) "How the Parliament Works" in **Hassan, G.,** (2000) *The New Scottish Politics: the First Year of the Scottish Parliament and Beyond* (Norwich: Stationery Office Books)
- Brown, A.** (2000b) "Designing the Scottish Parliament" in *Parliamentary Affairs* Vol 53 No 3 July pp542-556
- Brown, A., McCrone, D. and Paterson, L.** (1998), *Politics and Society in Scotland* (Basingstoke: Palgrave)
- Brown, G** (ed.) (1975) *The Red Paper on Scotland* (Edinburgh: Edinburgh University Student Publications)
- Brown, G.,** (1981) *The Labour Party and Political Change in Scotland, 1918-1929: The Politics of Five Elections*, Edinburgh University Phd, unpublished
- Brown, G.,** (2010) *Beyond the Crash: Overcoming the first Crisis of Globalization* (London: Simon & Schuster)
- Brown, G. and Alexander, D.** (1999) *New Scotland, New Britain* (The Smith Institute)
- Brown, G. and Naughtie, J.** (eds) (1994) *John Smith: Life and Soul of the Party* (Edinburgh: Mainstream Publishing)
- Bryman, A** (2001) *Social Research Methods* (Oxford: Oxford University Press)
- Callinicos, A.,** (1985) "Anthony Giddens a Contemporary Critique", *Theory and Society* Vol. 14 No. pp 133-66
- Campbell, A.,** (2007) *The Blair Years: Extracts from the Alastair Campbell Diaries* (London: Hutchinson)
- Campbell, A.,** (2010) *The Alastair Campbell Diaries: Volume One – Prelude to Power* (London: Arrow Books)
- Canavan, D.,** (2010) *Let the People Decide: The Autobiography of Dennis Canavan* (Edinburgh: Birlinn)
- Carlsnaes, W** (1992), "The Agency-Structure Problem in Foreign Policy Analysis", *International Studies Quarterly*, Vol. 36 (3), 245-70
- Clark, A.** (1993), *Diaries*. (London: Weidenfeld & Nicholson)
- Cook, R** (1975) "Scotland's Housing" in **Brown, G** (ed.) *The Red Paper on Scotland* (Edinburgh: Edinburgh University Student Publications)
- Cook, R. and MacLennan, R.** (1997) *Report of the Joint Consultative Committee on Constitutional Reform* (The Labour and Liberal Democrat Parties)
- Cox, R.H.,** (2001) "The Social Construction of an Imperative: Why Welfare Reform Happened in Denmark and the Netherlands but Not in Germany" in *World Politics*, Vol. 53, No. 3 (April 2001) pp.463-498
- Crossman, R.** (1976) *The Diaries of a Cabinet Minister: Volume I, Minister of Housing 1964-66* (London: Jonathan Cape)
- Deacon, S** (1990) "Adopting Conventional Wisdom – Labour's Response to the National Question." in **Brown, A and Parry, R** *The Scottish Government Yearbook 1990* (Edinburgh: Edinburgh University Press)

- Dalyell, T.**, (1977) *Devolution: The end of Britain?* (London: Jonathan Cape)
- Davidson, L.**, (2005) *Lucky Jack: Scotland's First Minister* (Edinburgh: Black and White Publishing)
- Davies, R.**, (1999) *Devolution: A Process not an Event* (Cardiff: Institute of Welsh Affairs)
- Denver, F., Mitchell, J., Pattie, C., and Bochel, H.**, (2000) *Scotland Decides: The Devolution Issue and the Scottish Referendum* (London: Frank Cass)
- Denzin and Lincoln** (eds.) (1994) *Handbook of Qualitative Research* (London: Sage Publications)
- Dessler, D.**, (1989), "What's at stake in the agent-structure debate?" *International Organisation*, Vol. 43, No.3 pp. 441-73.
- Devine, T.**, (1999) *The Scottish Nation: A History 1700-200* (London: Penguin)
- Dewar, D.**, (1969) "Devolution and Local Government Reform" in **MacCormick** (ed) *The Scottish Debate: Essays on Scottish Nationalism* (London: Oxford University Press)
- Dewar, D** (1988) Williamson Lecture, Stirling University, October 21st
- Dobel, J.P.**, (2003) "The Odyssey of Senior Public Service: What Memoirs Can Teach Us", *Public Administration Review*, Vol. 63, No. 1 (Jan. - Feb., 2003), pp. 16-29
- Donnachie, I., Harvie, C., and Wood, I.**, (eds.) (1989) *Forward! Labour Politics in Scotland 1888 – 1988* (Edinburgh: Polygon)
- Donoughue, B.**, (2005) *Downing Street Diary: With Harold Wilson in No. 10* (London: Jonathan Cape)
- Dunleavy, P.** (1991) *Democracy, Bureaucracy and Public Choice* (Hemel Hempstead: Simon & Schuster)
- Drucker, H** (1978) *Breakaway: The Scottish Labour Party*. (Edinburgh: EUSPB)
- Drucker, H** (1982) "The Curious Incident: Scottish Party Competition since 1979" in **McCrone, D** (ed.) *The Scottish Government Yearbook 1983* (University of Edinburgh)
- Drucker, H** (ed) (1982) *John P. Mackintosh on Scotland*, (Essex: Longman)
- Eadie, Alex and Sillars, Jim** (1968) *Don't Butcher Scotland's Future: the case for reform at all levels of government* (published privately)
- Edwards, O. D.** (ed) (1989), *A Claim of Right for Scotland*. (Edinburgh: Polygon)
- Elder, M.**, (2005) "As Scottish Labour Leader" in **Alexander, W.**, (ed) (2005) *Donald Dewar: Scotland's first First Minister* (Edinburgh: Mainstream Publishing)
- Ertman, T.**, (1997) *Birth of the Leviathan: Building States and Regimes in Medieval and Early Modern Europe*. (Cambridge: Cambridge University Press)
- Falletti, T** (2006) "Theory-Guided Process-Tracing in Comparative Politics: Something Old, Something New" *APSA-CP Newsletter*, 17, 1 (Winter 2006), pp. 9-14
- Fielding, N.**, and **Thomas, H.**, (2001) "Qualitative Interviewing" in **Gilbert, N.**, (ed) (2001) *Researching Social Life* (London, Sage Publications)
- Finlay, R.J.** (1997) *A Partnership for Good: Scottish Politics and the Union since 1880* (Edinburgh: John Donald Publishers)
- Fontana, A.**, and **Frey, J.**, (1994) "Interviewing: The Art of Science" in **Denzin and Lincoln** (eds.) *Handbook of Qualitative Research* (London: Sage Publications)
- Gamble, A** (1994) 'Political memoirs' *Politics* 14 (1) 35-41
- Gamble, A** (2002) 'Political memoirs' *British Journal of Politics and International Relations*, Vol. 4, No. 1, April 2002, pp. 141-151

- Geekie, J and Levy, R** (1989) "Devolution and the Tartanisation of the Labour Party" in *Parliamentary Affairs* Vol 42, No 3, pp399-411
- George, A., and Bennett, A.,** (2004) *Case Studies and Theory Development in the Social Sciences* (Cambridge, Massachusetts: MIT Press)
- Gerring, J.,** (2004) "What is a Case Study and What Is It Good for?" *The American Political Science Review*, Vol 98, No. 2 (May, 2004), pp 341-354
- Gerschenkron, A.,** (1962) *Economic Backwardness in Historical Perspective: A Book of Essays.* (Cambridge, Belknap Press of Harvard University Press)
- Giddens, A.,** (1979) *Central Problems in Social Theory* (London: MacMillan Press)
- Giger, N., and Nelson, M.,** (2011) "The electoral consequences of welfare state retrenchment: Blame avoidance or credit claiming in the era of permanent austerity" in *European Journal of Political Research*, Vol 50, Issue 1, January pp1-23
- Goodin, R. and Klingemann, H.** (1996) *A New Handbook of Political Science* (Oxford: Oxford University Press)
- Gordon, J.,** (2005) "Coming of Age" in **Alexander, W., (ed)** (2005) *Donald Dewar: Scotland's first First Minister* (Edinburgh: Mainstream Publishing)
- Gorges, M.,** (2001) "New Institutionalism Explanations for Institutional Change: A Note of Caution" *Politics* 2001 Vol 21(2) pp137-145
- Guba, E. and Lincoln D.,** (1994) "Competing Paradigms in Qualitative Research" in **Denzin and Lincoln** (eds.) *Handbook of Qualitative Research* (London: Sage Publications)
- Hall, P. A.** (1993) 'Policy paradigms, social learning and the state: the case of economic policy making in Britain', *Comparative Politics* 25 (3), 275-96.
- Hall, P. A.** (1997) 'The role of interests, institutions and ideas in the comparative political economy of the industrialized nations', in Lichbach, M. I. and Zuckerman, A. S. (eds) *Comparative Politics: Rationality, Culture and Structure*, (Cambridge: Cambridge University Press)
- Hall, P. A.** (2003) "Aligning Ontology and Methodology in Comparative Politics." In *Comparative Historical Analysis in the Social Sciences*, edited by J. Mahoney and D. Rueschemeyer. (Cambridge: Cambridge University Press), 373-404.
- Hall, P. A.,** (2006) "Systematic process analysis: when and how to use it", *European Management Review* 3, pp 24-31
- Hall, P A and C R Taylor,** (1996), "Political Science and the Three New Institutionalisms", *Political Studies* 44 (5), 936-957
- Hall, P A and C R Taylor** (1998), 'The potential of historical institutionalism: a response to Hay and Wincott', *Political Studies* 46, 958-62
- Hansen, R., and King, D.,** (2001) "Eugenic Ideas, Political Interests, and Policy Variance: Immigration and Sterilization Policy in Britain and the U.S." in *World Politics*, Vol 53, No. 2 (Jan 2001) pp237-263
- Harvie, C.,** (1989) "The Recovery of Scottish Labour 1939-51" in **Donnachie, I., Harvie, C., and Wood, I.,** (eds.) (1989) *Forward! Labour Politics in Scotland 1888 - 1988* (Edinburgh: Polygon)
- Harvie, C. and Jones, P.** (2000) *The Road to Home Rule: Images of Scotland's Cause* (Edinburgh: Polygon)
- Hassan & Lynch** (2001) *Almanac of Scottish Politics* (London: Politico's)
- Hassan G. and Warhurst C. (eds)** 2002 *Tomorrow's Scotland* (London: Lawrence & Wishart)
- Hay, C** (1995) "Structure and Agency" in **Marsh and Stoker** (1995) *Theory and Methods in Political Science* (London: MacMillan Press) pp 189-206

- Hay, C** and **D Wincott**, (1998), 'Structure, agency and historical institutionalism', *Political Studies*, vol 46, no 5, pp 951-57
- Hay, C.** (2002) *Political Analysis: A Critical Introduction* (Basingstoke: Palgrave)
- Heald, D.**, (1996) "Financing a Scottish Parliament" in **Tindale, S.**, (1996) *The State and the Nations: The Politics of Devolution* (London: IPPR)
- Hearn, J.**, (2000), *Claiming Scotland. National Identity and Liberal. Culture*, (Edinburgh: Polygon)
- Himsworth C.** and **Munro C.** (1998) *Devolution and the Scotland Bill* (Edinburgh: W. Green)
- Hobsbawm, E.** (1998) *On History* (London: Abicus)
- Holman, B.**, (2010) *Keir Hardie: Labour's Greatest Hero?* (Lion Hudson)
- Ikenberry, G.**, (1988) "Conclusion: An Institutional Approach to American Foreign Policy", *International Organization* Vol 42, no 1 (Winter 1988) pp219-243
- Inglehart, R.**, (1997) *Modernization and Postmodernization: Cultural, Economic and Political Change in 43 Societies* (Princeton: Princeton University Press)
- Irvine, D.** (2005) "A Skilful Advocate" in **Alexander, W.** (ed) 2005 *Donald Dewar: Scotland's first First Minister* (Edinburgh: Mainstream Publishing)
- Janesick, V. J.** (1994) "The dance of qualitative research design" in **N. K. Denzin & Y. S. Lincoln** (Eds.), *Handbook of Qualitative Research* (pp. 209-219)
- Johnston, R., Pattie, C., and Rossiter, D.**, (2002) "Devolution and Equality of Representation in the United Kingdom: A Constitutional Mess" in *The Political Quarterly* Volume 73, Issue 2, pp158-171
- Johnston, T.** (1952) *Memories* (London)
- Jones, P.** (1992) "Introduction" to **Linklater, M.** and **Dennistoun, R.**, (eds) (1992) *The Anatomy of Scotland: How Scotland Works* (Edinburgh: Chambers)
- Jones, P.** (1997a) "Labour's Referendum Plan: Sell-Out or Act of Faith?" in *Scottish Affairs* Issue No. 18 Winter 1997
- Jones, P.** (1997b) "A Start to a New Song: The 1997 Devolution Referendum Campaign" *Scottish Affairs* Issue No. 21, Autumn 1997
- Kampfner, J.** (1998) *Robin Cook* (London: Victor Gollancz)
- Katznelson, I.**, (2003) "Periodization and Preferences: Reflections on Purposive Action in Comparative Historical Social Science" in **Mahoney, J** and **Rueschemeyer, D** (eds), *Comparative Historical Analysis in the Social Sciences*, (Cambridge: Cambridge University Press)
- Kavanagh** (1991) "Why Political Science needs history" *Political Studies* 39 pp 479-95
- Keating, M.** and **Bleiman, D.**, (1979) *Labour and Scottish Nationalism* (London: MacMillan Press)
- Keating, M.**, (1989) "The Labour Party in Scotland, 1951-1964" in **Donnachie, I., Harvie, C., and Wood, I.**, (eds.) (1989) *Forward! Labour Politics in Scotland 1888 - 1988* (Edinburgh: Polygon)
- Keating, M.** (1998) "Reforging the Union: Devolution and Constitutional Change in the United Kingdom" *Publius: the Journal of Federalism*, Vol. 28, No. 1, (Winter, 1998), pp. 217-234
- Keating, M.** (2001) *Nations Against the State: the New Politics of Nationalism in Quebec, Catalonia and Scotland* (Basingstoke: Palgrave)
- Kellas, J.** (1989) *The Scottish Political System* (Cambridge: Cambridge University Press)
- King, G., Keohane, R., and Verba, S.**, (1994) *Designing Social Research: Scientific Inference in Qualitative Research* (Princeton: Princeton University Press)

- Kingdon, J.**, (2003) *Agendas, Alternatives and Politics* (Second edition) (New York: Longman)
- Knox, W.** (1999) *Industrial Nation: Work, Culture and Society in Scotland, 1800-Present* (Edinburgh: Edinburgh University Press)
- Laffin, M.**, and **Shaw, E.**, (2007) "British Devolution and the Labour Party: How a National Party Adapts to Devolution" in *BJPIR* 2007, Vol. 9, pp55-72
- Laffin, M.**, **Shaw, E.**, and **Taylor, G.**, (2004) *British Devolution and the Labour Party: How a Unitary Party Adapts to Devolution*, Paper presented to the Political Studies Association Conference: Election, Parties and Public Opinion Specialist Group, 6-8 April 2004
- Lane, J.** and **Ersson, S.** (2000) *The New Institutional Politics: Performance and Outcomes* (London: Routledge)
- Laumann, E.**, and **Marsden P.**, (1979) "The Analysis of Oppositional Structures in Political Elites: Identifying Collective Actors", *American Sociological Review*, Vol 44, No 5 (October 1979) pp713-732
- Layder, D.**, (1979) "Problems in Accounting for the Individual in Marxist-Rationalist Theoretical Discourse", *The British Journal of Sociology* Vol 30, No. 2 pp 149-163
- Layder, D.**, (1994) *Understanding Social Research* (London: Sage Publications)
- Lefebvres, G.**, (2005) *The Coming of the French Revolution* (Princeton University Press)
- Legro, J.**, (2000) "The Transformation of Policy Ideas", *American Journal of Political Science*, Vol. 44, No. 3 (July 2000) pp419-432
- Leicester, G.** (1996) "Scotland's Parliament: The Constitution Unit's Report on Scotland", *Scottish Affairs*, No. 16, Summer 1996
- Lilleker** (2003) "Interviewing the Political Elite: Navigating a Potential Minefield" in *Politics* Vol 23, No. 3 September pp207-214
- Lowndes, V.** (1996), 'Varieties of New Institutionalism: a critical appraisal' *Public Administration*, vol 74, pp181-97
- Lowndes, V.** (2002) "Institutionalism" in **Marsh D.** and **G Stoker**, *Theory and Methods in Political Science* 2nd edition (Basingstoke: Palgrave MacMillan)
- Lynch, P** (1996) ""The Scottish Constitutional Convention 1992-1995" in *Scottish Affairs* No 15, Spring 1996
- Lynch, P.**, (2001) *Scottish Government and Politics* (Edinburgh: Edinburgh University Press)
- Lynch, P** (2002) *SNP – The History of the Scottish National Party* (Cardiff: Welsh Academic Press)
- McAnulla, S.**, (2002), 'Structure and agency', in **Marsh D.** and **G Stoker**, *Theory and Methods in Political Science* 2nd edition (Basingstoke: Palgrave MacMillan)
- McCormick, J.**, and **Alexander, W.**, (1996) "Firm foundations: securing the Scottish Parliament" in **Tindale, S. (ed)** (1996) *The State and the Nations: The Politics of Devolution* (IPPR, London) pp 99-167
- McCrone, D** (ed.) (1982) *The Scottish Government Yearbook 1983* (University of Edinburgh)
- McCrone, D.** (1998) *The Sociology of Nationalism* (Routledge: London)
- McCrone, D.**, (2001) *Understanding Scotland: the Sociology of a Nation* (Routledge: London)
- McCrone, D.** (2003) "Evolving Principles" in **Procedures Committee** (2003) *The Founding Principles of the Scottish Parliament: The Application of Access and Participation, Equal Opportunities, Accountability and Power Sharing in the Work of the Parliament*, 3rd Report 2003, Vol 3, Annexe D pp45-61

- Macdonald, K.**, (2008) "Using Documents" in **Gilbert, N., (ed)** (2008) *Researching Social Life (Third edition)* (London: Sage Publications)
- McEwen, N.** (2002) "The Scottish National Party after Devolution: Progress and Prospects" in **Hassan, G. and Warhurst, C. (eds)** *Tomorrow's Scotland* (London: Lawrences & Wishart)
- McEwen, N.** (2004) "Pragmatic Nationalists? The Scottish Labour Party and Nationalism" in **Hassan, G. (ed)** (2004) *The Scottish Labour Party: History, Institutions and Ideas* (Edinburgh: Edinburgh University Press)
- McFadden, J.** (1995) "The Scottish Constitutional Convention", *Public Law*, 215-223.
- McFadden, J., and Bain, W.**, "Strategies for the Future: A Lasting Parliament for Scotland?" in St J Bates, ed., *Devolution to Scotland: the Legal Aspects* (1997)
- MacIntyre, D.** (1999) *Mandelson: The Biography* (London: Harper Collins)
- Mackay, F., and Kenny, M.**, (2007) "Women's Representation in the 2007 Scottish Parliament: Temporary Setback or Return to the Norm" in *Scottish Affairs* no 60. Summer 2007
- Mackay F.** (2009) "Institutionalising 'New Politics' in Post Devolution Scotland: 'Nested Newness' and the Gendered Limits of Change." Paper presented at the Political Science Association Annual Conference, Manchester, April 7-9 2009
- Mackintosh, J. P.** (1970) Written evidence to the Royal Commission on the Constitution in **Drucker, H.M. (ed)** *John P. Mackintosh on Scotland* (London: Longman)
- Mackintosh, J.P.** (1975) "A Parliament for Scotland" (Berwickshire and East Lothian Labour Party) in **Paterson, L.** (1988) *A Diverse Assembly: the Debate on a Scottish Parliament* (Edinburgh: Edinburgh University Press)
- Mackintosh, J. P.** (1976) "Scottish Government must reform government" *The Scotsman* 21.6.1976 in **Drucker, H.M. (ed)** *John P. Mackintosh on Scotland* (London: Longman)
- Mackintosh, J. P.** (1977) "The Trouble with Stephen Maxwell" in **Drucker, H.M. (ed)** *John P. Mackintosh on Scotland* (London: Longman)
- McLean, R.** (1990a) *Labour and Scottish Home Rule, Part One: Mid-Lanark to Majority Government, 1888-1945* (Broxburn: Scottish Labour Action)
- McLean, R.** (1990b) *Labour and Scottish Home Rule, Part Two: Unionist Complacency to Crisis Management 1945-1988* (Broxburn: Scottish Labour Action)
- McLean, R.** (2001) "Donald Dewar's Role in Securing Scotland's Parliament" in *Scottish Affairs* Vol. 34, Winter
- McLean, R.** (2005) *Getting it Together* (Edinburgh: Luath Press)
- McLeish, H.** (2004) *Scotland First: Truth and Consequences* (Edinburgh: Mainstream Publishing)
- MacMahon, P** (1990) "The Year at Westminster" in **Brown, Alice and Parry, Richard** *The Scottish Government Yearbook 1990* (Edinburgh: Edinburgh University Press)
- McNamara, K.**, (1999) *The Currency of Ideas: Monetary Politics in European Union* (Ithaca, New York: Cornell University Press)
- MacWhirter, I** (2002) "The New Scottish Political Classes" in G. Hassan and C. Warhurst (eds) *Anatomy of the New Scotland: Power, Influence and Change* (Edinburgh: Mainstream Publishing)
- MacWhirter, I** (1990) "After Doomsday... The Convention and Scotland's Constitutional Crisis" in **Brown, Alice and Parry, Richard** *The Scottish Government Yearbook 1990* (Edinburgh: Edinburgh University Press)

- Mahoney, J.**, (2000) "Path Dependence in Historical Sociology" *Theory and Society* 29: 507-48
- Mandelson, P.**, (2010) *The Third Man: Life at the Heart of New Labour* (Harper Press: London)
- March, J.G. and Olsen, J.P.** (1984) "The New Institutionalism: Organizational Factors in Political Life", *American Political Science Review* Vol 78: 738-49
- March, J.G. and Olsen, J.P.** (1989) *Rediscovering Institutions* (New York: Free Press)
- Marr, A** (1992) *The Battle for Scotland* (London: Penguin)
- Marsh, D., and Stoker, G., (eds)** *Theory and Methods in Political Science* (MacMillan: London)
- Massie, A.**, (1998) "Profile of Donald Dewar" in *The New Statesman* July 24th
- Midwinter, A., Keating, M., and Mitchell, J.**, (1991) *Politics and Public Policy in Scotland* (Basingstoke: MacMillan)
- Mitchell, J.**, (1990) *Conservatives and the Union: a Study of Conservative Party Attitudes to Scotland* (Edinburgh: Edinburgh University Press)
- Mitchell, J.** (1996) *Strategies for Self-Government: the Campaigns for a Scottish Parliament* (Edinburgh: Polygon)
- Mitchell, J** (1998) "The Evolution of devolution" in *Government and Opposition* Vol 33, No 4, pp 479-497
- Mitchell, J.**, (1998b) "Contemporary Unionism" in **MacDonald, C.**, (ed) *Unionist Scotland 1800-1997* (Edinburgh: John Donald Publishers)
- Mitchell, J.**, (2003) "Devolution and the Future of the Union" in Fisher, J., Denver, D., and Benyon, J (2003) *Central Debates in British Politics* (Harlow: Pearson Education)
- Mitchell, J.**, (2006) "Evolution and Devolution: Citizenship, Institutions, and Public Policy", *Publius*, Vol. 36, No. 1 (Winter, 2006) (pp. 153-168)
- Morgan, K.**, (2001) "'New Labour' in Historical Perspective" in **Seldon, A.**, (ed) (2001) *The Blair Effect: The Blair Government 1997-2001* (London: Little Brown and Company)
- Nairn, T.** (1970) "The Three Dreams of Scottish Nationalism" in **Miller, K.** (ed) *Memoirs of a Modern Scotland* (London: Faber and Faber)
- Nairn, T.** (1977) *The Break-up of Britain* (London: Verso)
- Nairn, T.** (1997) *Faces of Nationalism: Janus Revisited* (London: Verso)
- Nairn, T.** (2000) *After Britain* (London: Granta Books)
- Naughtie, J.** (1979) "The Scotland Bill in the House of Commons" in **Drucker, H.M. and Drucker, N.L.** (eds) *The Scottish Government Yearbook 1979* (Edinburgh: Paul Harris Publishing)
- Naughtie, J** (1984) "The Year at Westminster" in **McCrone, D** (ed.) *The Scottish Government Yearbook 1985* (University of Edinburgh)
- Naughtie, J** (1989) "Labour 1979 to 1988" in **Donnachie, I., Harvie, C., and Wood, I.**, (eds.) *Forward! Labour Politics in Scotland 1888 – 1988* (Edinburgh: Polygon)
- Naughtie, J.**, (1994) "A Political Life Observed" in **Brown, G. and Naughtie, J.** (eds) (1994) *John Smith: Life and Soul of the Party* (Edinburgh: Mainstream Publishing)
- Naughtie, J.** (2001) *The Rivals: The Intimate Story of a Political Marriage* (London: Fourth Estate)
- Paterson, L.** (1994) *The Autonomy of Modern Scotland* (Edinburgh: Edinburgh University Press)

- Paterson, L.** (1998) *A Diverse Assembly: The Debate on a Scottish Parliament* (Edinburgh: Edinburgh University Press)
- Paterson, L.** (2002) "Civic Democracy" in **G. Hassan** and **C. Warhurst** (eds) *Anatomy of the New Scotland: Power, Influence and Change* (Edinburgh: Mainstream Publishing)
- Paterson, L., Brown, A., Curtice, J., Hinds, K., McCrone, D., Park, A., Sproston, K., and Sturridge, P.**, (2001) *New Scotland, New Politics* (Edinburgh: Polygon)
- Pattie, C., Denver, D., Mitchell, J., and Bochel, H.**, (1998) "The 1997 Scottish Referendum: an Analysis of the Results", *Scottish Affairs* No. 22, winter
- Peters, G.** (1996) "Political Institutions, Old and New" in **Goodin, R.** and **Klingemann, H.** *A New Handbook of Political Science* (Oxford: Oxford University Press)
- Peters, G.** (1999) *Institutional Theory in Political Science: The New Institutionalism* (London: Continuum)
- Pierson, P.** (2000), "Increasing Returns, Path Dependence and the Study of Politics" in *American Political Science Review* Vol 94, No 2, June 2000
- Pierson, P.**, (2003), 'Big, Slow-moving and Invisible: Macro-social processes in the Study of comparative politics', in **Mahoney, J** and **Rueschemeyer, D** (eds), *Comparative Historical Analysis in the Social Sciences*, (Cambridge: Cambridge University Press)
- Pierson, P.** (2004), *Politics in Time: History, Institutions and Social Analysis* (Princeton: Princeton University Press)
- Pierson, P. and Skocpol, T.** (2002) "Historical Institutionalism in Contemporary Political Science." in **Ira Katznelson** and **Helen V. Milner**, eds. *Political Science: State of the Discipline* (Washington, Norton)
- Pierson, P. and Skocpol, T.**, (2007) "American Politics in the Long Run" in **Pierson, P. and Skocpol, T.**, (2007) *The Transformation of American Politics* (Princeton: Princeton University Press)
- Rhodes, R.A.W.** (1995) "The Institutional Approach" in **Marsh, D. and Stoker, G.** (eds.) *Theory and Methods in Political Science* (London: MacMillan)
- Riddell, P.** (2001) "Blair as Prime Minister" in Anthony Seldon (ed) *The Blair Effect: The Blair Government 1997-2001* (London: Little Brown)
- Ritchie, M** (2000) *Scotland Reclaimed: The Inside Story of Scotland's First Democratic Parliamentary Election* (Edinburgh: The Saltire Society)
- Ross, Fiona** (2000) "Beyond Left and Right: The New Partisan Politics of Welfare", in: *Governance* 13, pp. 155-183.
- Rothstein, B.** (1992) "Labour Market Institutions and Working Class Strength" in **Steinmo, S. Thelen, K. and Longstreth, F.** (eds.) (1992) *Structuring Politics: Historical Institutionalism in Comparative Analysis* (Cambridge: Cambridge University Press)
- Rothstein, B.** (1996) "Political Institutions: An Overview" in **Goodin, R.** and **Klingemann, H.** *A New Handbook of Political Science* (Oxford: Oxford University Press)
- Royal Commission on the Constitution** (1971) *Minutes of Evidence 4: Scotland* (May - July 1970) (London, HMSO)
- Rueschemeyer, D.**, (2003) "Can One or a Few Cases Yield Theoretical Gains?" in **Mahoney, J** and **Rueschemeyer, D** (eds), *Comparative Historical Analysis in the Social Sciences*, (Cambridge: Cambridge University Press)
- Russell, M, Mackay, F, and McAllister, L** (2002) "Women's Representation in the Scottish Parliament and National Assembly for Wales: Party Dynamics for

- Achieving Critical Mass." *Journal of Legislative Studies* 8 (2) 49-76
- Sayer, A.**, (1992) *Method in Social Science: A Realist Approach* (London: Routledge)
- Scharpf** (1997) *Games real actors play: Actor-centered institutionalism in policy research* (Boulder, Colorado: Westview Press)
- Scott, J.**, (1990) *A Matter of Record: Documentary Sources in Social Research* (Cambridge: Polity)
- Schickler, E.**, (2001) *Disjointed Pluralism: Institutional Innovation and the Development of the U.S. Congress*. (Princeton: Princeton University Press)
- Seawright, D** (2008) "The Conservative Party's Devolution Dilemma" in *Textes et Contextes*, 1 (2008) 41-49
- Seldon, A.**, (1988) *Contemporary History: Practice and Method* (Oxford, Blackwell)
- Seldon, A.**, (ed) (2001) *The Blair Effect: The Blair Government 1997-2001* (London: Little Brown and Company)
- Seldon, A and Collings, D** (2000) *Britain under Thatcher* (Harlow: Longman)
- Sewel, J.** (2005) "Getting the Act Together" in **Alexander, W.** (ed) 2005 *Donald Dewar: Scotland's first First Minister* (Edinburgh: Mainstream Publishing)
- Sewell, W. H.**, (1992) "A Theory of Structure: Duality, Agency and Transformation," *American Journal of Sociology*, Vol. 98 (July 1992): 1-29
- Sewell, W. H.**, (1996) "Historical Events as Transformations of Structures: Inventing Revolution at the Bastille", *Theory and Society* Vol. 25, No. 6: 841-881
- Shaw, E.** (2002) 'New Labour in Britain: New democratic centralism?', *West European Politics*, 25:3, pp147-170.
- Shaw, E.**, (2000) *New Labour, New Democratic Centralism?* Paper for the UK Political Studies Association, 50th Annual Conference, 10-13 April 2000, London
- Shaw, E.**, (1988) *Discipline and Discord in the Labour Party: The Politics of Managerial Control in the Labour Party, 1951-87*. (Manchester: Manchester University Press)
- Sillars, J.** (1986) *Scotland: the Case for Optimism* (Edinburgh: Polygon)
- Sillars, J.** (1989) *Independence in Europe* (Edinburgh: Scottish National Party)
- Skocpol, T** (1979) *States and Social Revolutions: A Comparative Analysis of France, Russia and China* (Cambridge: Cambridge University Press)
- Skocpol, S.**, and **Weir, M.**, (1985) "State Structures and the Possibilities for Keynesian Responses to the Depression in Sweden, Britain and the United States" in **Evans, P.**, **Rueschmeyer, D.**, **Skocpol, T** (eds) (1985) *Bringing the State Back In* (Cambridge: Cambridge University Press)
- Smith, M.** (1995) "Interpreting the Rise and Fall of Margaret Thatcher: Power Dependency and the Core Executive" in **Rhodes R.A.W.** and **Dunleavy, P.** *Prime Minister, Cabinet and Core Executive* (London: MacMillan Press)
- Steel, D.** (1969) "Federalism" in **MacCormick** (ed) *The Scottish Debate: Essays on Scottish Nationalism* (London: Oxford University Press)
- Steinmo, S.**, (2001) "The New Institutionalism" in Barry Clark and Joe Foweraker, (eds.) *The Encyclopedia of Democratic Thought*, (London: Routledge)
- Steinmo, S** (2008) "What is Historical Institutionalism?" in Donatella Della Porta and Michael Keating (2008) (eds), *Approaches and Methodologies in the Social Sciences* (Cambridge: Cambridge University Press)
- Steinmo, S.** and **Thelen, K.** (1992) "Historical Institutionalism in Comparative Politics" in **Steinmo, S.** **Thelen, K.** and **Longstreth, F.** (eds.) (1992) *Structuring Politics: Historical Institutionalism in Comparative Analysis* (Cambridge: Cambridge University Press)
- Stephens, P.**, (2001) "The Treasury under Labour" in **Seldon, A.**, (ed) *The Blair*

- Effect: The Blair Government 1997-2001* (London: Little, Brown & Company)
- Stone Sweet, A., Sandholz, W., and Fligstein, N.,** (2001) "The Institutionalisation of European Space" in **A. Stone Sweet, W. Sandholz, W., and N. Fligstein, (eds.),** *The Institutionalisation of Europe* (Oxford: Oxford University Press)
- Streeck, W., and Thelen, K.,** (2005) "Introduction: Institutional Change in Advanced Political Economies" in **Streeck, W., and Kathleen K., (eds.)** *Beyond Continuity: Institutional Change in Advanced Political Economies.* (Oxford: Oxford University Press) 1-39
- Stuart, M.,** (2005) *John Smith: A Life* (London: Politicos)
- Tansey, O.,** (2007) "Process Tracing and Elite Interviewing: A Case for Non-Probability Sampling", *Political Science and Politics*, Vol. 40, No. 4 (Oct., 2007), pp. 765-772
- Taylor, B.** (1999) *The Road to the Scottish Parliament* (Second Edition) (Edinburgh: Edinburgh University Press)
- Taylor, B.** (2002) *Scotland's Parliament, Triumph and Disaster* (Edinburgh: Edinburgh University Press)
- Taylor, B., and Thomson, K., (eds.)** (1999) *Scotland and Wales: Nations Again?* (Cardiff: University of Wales Press)
- Thatcher, M.** (1993) *Margaret Thatcher: The Downing Street Years* (London: Harper Collins)
- Thelen, K.** (1999) "Historical Institutionalism in Comparative Politics", *Annual Review of Political Science* 1999 Vol 2: 369-404
- Thelen, K** (2004) *How Institutions Evolve: the Political Economy of Skills in Germany, Britain, the United States and Japan,* (Cambridge: Cambridge University Press.)
- Thelen, K** (2003) 'How Institutions Evolve', in **Mahoney, J and Rueschemeyer, D** (eds), (2003) *Comparative Historical Analysis in the Social Sciences*, (Cambridge: Cambridge University Press)
- Thelen, K., and Steinmo, S.,** (1992) "Historical Institutionalism in Comparative Politics" in **Steinmo, S. Thelen, K. and Longstreth, F. (eds.)** (1992) *Structuring Politics: Historical Institutionalism in Comparative Analysis* (Cambridge: Cambridge University Press)
- Tindale, S.** (1996) *The State of the Nations: the Politics of Devolution* (London: IPPR)
- Torrance, D** (2006) *The Scottish Secretaries* (Edinburgh: Birlinn)
- Torrance, D.** (2009) *We in Scotland: Thatcherism in a Cold Climate* (Edinburgh: Birlinn)
- Trevor Roper, H.** (2008) *The Invention of Scotland: Myth and History* (London: Yale University Press)
- Walker, G** (2007) "The Scotland is British Campaign 1976-8" in *Scottish Affairs* No. 61, Autumn 2007
- Watson, M.,** (2001) *Year Zero: An Inside View of the Scottish Parliament* (Edinburgh: Polygon)
- Weingast, B** (1996) "Political Institutions: Rational Choice Perspectives" in **Goodin, R. and Klingemann, H.** (1996) *A New Handbook of Political Science* (Oxford: Oxford University Press)
- Wendt, A** (1987), "The agent-structure problem in international relations", *International Organization*, Vol. 41 (3), 335-70
- Williams, K.,** (2000). "Claiming the National: the Welsh Media and Devolution" in *Scottish Affairs*, no. 32, Summer 2000

- Winetrobe, B.** (2001) *Realising the Vision: A Parliament with a Purpose* (The Constitution Unit, University College London)
- Wood, I.** (1989) "Hope Deferred: Labour in Scotland in the 1920s" in **Donnachie, I., Harvie, C., and Wood, I.**, (1989) *Forward! Labour Politics in Scotland 1888-1988* (Edinburgh: Polygon)
- Wood, F.**, (1989) "Scottish Labour in Government and Opposition, 1964-79" in **Donnachie, I., Harvie, C., and Wood, I.**, (1989) *Forward! Labour Politics in Scotland 1888-1988* (Edinburgh: Polygon)
- Wright, K.** (1997) *The People Say Yes: The Making of Scotland's Parliament* (Geldaruel: Argyll Publishing)
- Wright, R & Jones, P** (1995) "Still divided after all these years", *The Scotsman*, January 16th
- Wyn Jones, R., and Lewis, B.**, (1999) "The Welsh Devolution Referendum" in *Politics* 19 (1) pp 37-46
- Young, A.**, (2002) "The Scottish Establishment: Old and New Elites" in **G. Hassan and C. Warhurst** (eds. *Tomorrow's Scotland* (London: Lawrence and Wishart)
- Young, A.**, (2005) "To See Ourselves..." in **Alexander, W., (ed)** (2005) *Donald Dewar: Scotland's first First Minister* (Edinburgh: Mainstream Publishing)